

# Law Enforcement News

Vol. XXIII, No. 461

A publication of John Jay College of Criminal Justice/CUNY

February 14, 1997

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## Join us in cyberspace!

It's true! Law Enforcement News now has its own home page on the World Wide Web — LEN Online — as part of our continuing information outreach to the police profession. You can access the page at <http://www.lib.jjay.cuny.edu/len>.

## Police careers may take a beating from Fed domestic-violence law

### Groups try to rewrite law that would strip abusive cops of their guns

By Jacob R. Clark

The Federal law passed last fall that prohibits anyone with misdemeanor domestic violence convictions from possessing a firearm is rocking law enforcement, sparking lawsuits challenging its constitutionality, forcing police agencies to conduct time-consuming background checks of officers to ensure compliance with the law, and in some cases, costing officers their jobs.

The furor over the Domestic Violence Offender Gun Ban, which was sponsored by Senator Frank Lautenberg (D.-N.J.) and passed by Congress on Sept. 28 as part of an omnibus spending bill, also has prompted police groups to lobby for changes that would make the law more palatable to police.

A lawsuit filed by the National Fraternal Order of Police on Jan. 21 seeks to block enforcement of the gun ban pending a review of its constitutionality. Arguments in the effort to get an injunction against the law were expected to begin in U.S. District Court in mid-February, said FOP executive director James O. Pasco Jr.

While many police officials say they favor the intent of the law, which is aimed at reducing the number of domestic homicides by prohibiting those with prior convictions from having access to firearms, some believe it is having an unfair, and unforeseen, impact on law enforcement.

"This issue is causing more chaos

than almost anything I've ever seen in law enforcement," said Beth Weaver, a spokeswoman for the National Association of Police Organizations, which has been alerting police agencies about the law while lobbying legislators to support one of two proposed changes to the law.

Pasco said the amendment directly threatens law enforcement careers by penalizing people convicted of the spousal abuse without taking into account that they may have successfully dealt with their domestic problems.

"Pre-employment screening and the scrutiny law enforcement officers face on the job is such today that it's unlikely that anyone who habitually abuses his or her spouse or family member is a police officer," Pasco told Law Enforcement News. "That doesn't mean there's not a problem. But to the extent that there are officers with previous convictions, in all probability they're good people who made a mistake at one time or another."

The FOP is also lobbying Congress to amend the law and make the firearms disability provision apply "prospectively to offenders — those who were convicted after enactment, not persons who 15 or 20 years ago got into an argument with their spouse," said Gilbert G. Gallegos, the National FOP's president.

Rita Smith, the executive director of the National Coalition Against Do-

mestic Violence, doesn't buy Gallegos's argument. "There's absolutely no way that there would have been minor convictions 20 years ago," she told LEN. "We did not get domestic violence convictions 20 years ago. It would have to have been a felony-level assault. And those people need to be considered dangerous."

At least two lawsuits were filed this month, in Atlanta and Los Angeles, by police unions with members who have been reassigned or face losing their jobs outright due to the gun law.

The Association for Los Angeles County Deputy Sheriffs last month filed a Federal lawsuit seeking an injunction against the ban after Sheriff Sherman Block relieved three deputies of their peace officer status in December and reassigned them to administrative duties. Richard Shinee, an attorney who represents the union, said the lawsuit also seeks restoration of the deputies' peace officer status.

A similar lawsuit also was filed by the Southeast regional office of the International Brotherhood of Police Officers in U.S. District Court in Atlanta on Dec. 31. The suit was filed after Fulton County, Ga., Sheriff Jacqueline Barrett terminated three deputies and reassigned "several others" to comply with the ban, according to Chip Warren, national vice president of the IBPO, which represents 6,000 municipal police officers in the Southeast.

Both the Los Angeles and Atlanta lawsuits are challenging the law on its procedural and substantive due process, equal protection and retroactive provisions. The IBPO lawsuit, which seeks both temporary and declaratory relief against the law, also alleges that Congress exceeded its authority to regulate interstate commerce when it passed the law by prohibiting officers "from transporting or carrying guns anywhere, including outside their own jurisdictions," added Warren, who is a retired Atlanta police officer.

Deputy U.S. Attorney General Jamie Gorelick, who recently announced her resignation [see Page 4], has asked Federal agencies whose employees are authorized to use firearms to report to her on its impact. Federal law enforcement officers are being asked "to inform us in writing" about any prior domestic violence misdemeanor convictions, Justice Department spokesman Gregory King told LEN.

"Those with convictions are being asked to turn in their firearms," he said. "We expect to know how much of an impact it's had in the next few weeks."

Meanwhile, two proposals have been introduced in Congress to alter provisions of the gun ban and make it more favorable to law enforcement.

A proposal by Representative Bart Stupak (D.-Mich.) would partially re-

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## Weighty matters: Court rules against Ohio troopers in fitness-standards suit

Ohio State Highway Patrol troopers who fail to meet the agency's weight standards cannot argue that they are protected from disciplinary action under the Americans With Disabilities Act, a Federal appeals court ruled last month.

The decision on Jan. 13 by a three-judge panel of the 6th U.S. Circuit

Court of Appeals in Cincinnati upheld a Federal district court that previously had ruled in favor of the patrol and dismissed the troopers' lawsuit.

The case stemmed from a suit filed by 76 troopers who challenged a fitness program instituted by the patrol in 1992, which spelled out weight and appearance standards — and disciplinary ac-

tion against troopers who failed to measure up.

The plaintiffs, most of whom had been the subject of disciplinary action that included written reprimands, forced days off without pay and denials of promotions, had argued they were being discriminated against under provisions of the ADA, the landmark leg-

islation passed by Congress in 1990.

The troopers also contended that weight and fitness standards were "not job-related nor consistent with business necessity."

The appellate judges said they disagreed with the rationale behind the lower court's ruling, although they agreed with its finding. Stating that the criteria used by the district court in its ruling were unclear, the judges said that since the troopers were not actually disabled by the ruling, they were not protected by the ADA and the agency was entitled to set appearance standards for officers.

John Peto, a Cleveland attorney who represented the plaintiffs, said a petition for a rehearing of the case was filed with the 6th Circuit on Jan. 27. He told Law Enforcement News he would pursue the petition on the grounds that "the court misapplied the standard of review based what was in the complaint."

Paul Cox, chief counsel for the Ohio chapter of the Fraternal Order of Police, which filed the lawsuit on behalf of the troopers, said the appellate ruling gives little guidance to law enforcement agencies as to the effect of the

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## One-officer state police cars raise the risks to cops' lives

Officers of state police or highway patrol agencies who are assigned to one-person patrol vehicles may face the greatest chance of being feloniously killed on duty, according to a study of law enforcement murders over a 21-year period.

The study, conducted by Lorie A. Fridell, an associate professor at Florida State University, and Antony Pate, a senior research associate at the university, analyzed 1,986 felonious killings counted by the FBI between 1972 and 1993. Murders of law enforcement officers made up 60 percent of the total

of 3,438 on-duty law enforcement deaths during that period.

State police and highway patrol officers accounted for 174, or 9 percent, of the felonious deaths, while Federal law enforcement officers accounted for 53 deaths, or 3 percent.

"Looking at all jurisdictions, six of the highest 10 rates if you combine state, municipal and county are from state agencies," Fridell told Law Enforcement News.

The largest number of felonious killings during the 21-year period occurred among municipal agencies, which ac-

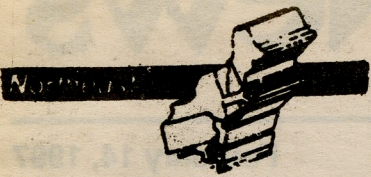
counted for 1,130, or 57 percent, of the total. Slain officers from county sheriffs' departments and police departments accounted for 469, or 24 percent.

An additional 41 employees from other state agencies, such as liquor control boards and fish and game authorities, accounted for 2 percent of the total. Five percent, or 102 deaths, involved law enforcement agents employed in U.S. territories, including Puerto Rico, the Virgin Islands, Guam and American Samoa. Puerto Rico accounted for 91 of those deaths.

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# Around the Nation



**CONNECTICUT** — Police in 34 towns were deployed last month as part of the "Cops in Shop" program aimed at curbing underage drinking. Police will pose as store employees and monitor parking lots to watch for an exchange of liquor for money between teen-agers and adult purchasers.

**DELAWARE** — Eligibility requirements for a 100-bed boot camp in Sussex County are so restrictive that only 25 prisoners could be found to fill the facility when it opened in January. Officials are re-examining the rules.

**DISTRICT OF COLUMBIA** — District police are asking the city for an additional \$10 million to bring staffing levels up to 3,800 officers. Some \$4.6 million had been put aside for the hiring of more officers, but the department has been slow to recruit. Only 35 new officers have been hired so far, and department officials worry that if the money is not used this year, it will revert to the city's general fund.

**MAINE** — The Biddeford City Council is considering a controversial ordinance that would ban the use of firearms anywhere within the city limits. The only exceptions for discharging a firearm would be in self-defense or at approved firearms ranges and under certain hunting circumstances.

**MARYLAND** — A gun buy-back program that was started in Baltimore Feb. 1 was so successful that organizers ran out of money the first day. More than 1,000 guns were turned in.

Prince George's County police convened an internal hearing in January into the conduct of a police lieutenant who left a suspect tied to a utility pole because he wanted to force police from neighboring Montgomery County to pick him up. The suspect, Nelson Omar Robles, 22, was arrested on five Montgomery traffic warrants but Montgomery police told Lieut. James Rozar that they were too busy to come for him. So Rozar, one of two officers involved in the case, left Robles cuffed to a utility pole. Rozar said he hid and did not drive away until he saw Montgomery County police arrive about four minutes later.

The State Police will challenge an ACLU claim that blacks are targeted on I-95 for vehicle drug searches.

**MASSACHUSETTS** — The City of Lynn will pay a \$350,000 settlement to a woman who, while pregnant, had her arm broken by an officer with 10 prior brutality complaints against him. The breaking of Elizabeth Raymer's arm in 1993 occurred less than a month after a jury awarded \$86,000 in another suit against Officer Terrance Thompson.

Boston Deputy Superintendent Gerard McHale was busted to the rank of detective Feb. 1 after an internal police review substantiated more than a dozen complaints against him. The key allegation came from a female officer assigned to the Boston Housing Authority Police. Officer Yvonne Moschella claimed that McHale refused to let her ride in a two-officer car with minority

officers after learning that two of her children have a black father. Instead, she was forced to ride alone in areas of the city where her safety was at risk.

**NEW HAMPSHIRE** — U.S. District Judge James Muirhead ruled Jan. 23 that two Nashua police officers used unnecessary force when they broke a woman's leg while arresting her for disorderly conduct in 1992. The woman caught her legs on a porch railing when Lieut. Robert Goff and Det. John Gallagher yanked her up by her arms.

**NEW JERSEY** — A new law enforcement squad will try to crack 46 of Camden County's unsolved murder cases from 1994 to 1996.

Willingboro Police Officer David C. Barnes, 26, was arrested Jan. 23 on charges of aggravated sexual assault and aggravated sexual contact with two 13-year-old girls. Burlington County Prosecutor Stephen G. Raymond said Barnes met the girls through his work with a Law Enforcement Explorer post sponsored by his department.

Somerset County Superior Court Judge Leonard Arnold will conduct a personal review of whether Nicholas L. Bissell Jr., the county's late former prosecutor, routinely reduced charges against major drug dealers who had surrendered cash or assets to his office after arrest. Arnold said he would undertake the study on behalf of a defendant who claimed Bissell prosecuted him as a drug kingpin because he was indigent and had no funds to forfeit.

**NEW YORK** — Legislation was proposed Feb. 2 that would make children of police and firefighters disabled on the job eligible for college scholarships. The bill was prompted by the case of a former State Police Sgt. Paul A. Richter, who was partially paralyzed by a gunman during a traffic stop in 1973. Richter, who went on to help thousands of others with spinal injuries, was eventually able to educate his six children.

Schenectady Police Officer Robert J. O'Neill may be preparing to leave the city's payroll after having called in sick every day for the past 15 years. O'Neill claimed in 1982 that his experiences as a Marine in Vietnam had left him a danger to himself and others. Instead of retiring or resigning, however, O'Neill took advantage of a special long-term sick leave created for officers injured in the line of duty, and thus continued to collect his full salary.

New York City Sgt. Kenneth Dombrowski was one of 12 people, including his wife, who were arrested Feb. 2 for allegedly running a mid-level numbers operation.

While crime in New York City declined for the fifth straight year, Police Department records show a 27-percent leap in hate crimes in 1996. Most of the crimes targeted Jews and blacks.

New York City Police Commissioner Howard Safir has reportedly received mayoral approval for a plan to place surveillance cameras in dozens of locations, including subways, housing projects and parks. The plan is part of the NYPD's "Strategy '97" anti-crime blueprint, which also proposes targeting precincts in communities most affected by gang activity, and redeploy-

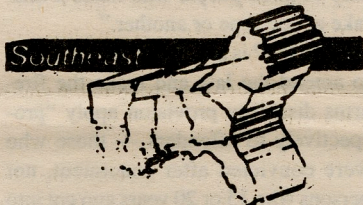
ing 500 detectives from administrative posts to precinct squads.

New York City Deputy Inspector Henry Krantz, a 30-year veteran, was suspended last month pending department trial for allegedly providing special treatment to friends as head of the department's gun-licensing division.

Suffolk County Executive Robert Gaffney last month asked the District Attorney's Office to look into allegations that the correct answers to last June's police exam were supplied by a prep course. The request for the probe was made after about 1,100 takers received perfect or near-perfect scores. The prep course was given by county police Sgt. Brian Bugge, who said he had no inside information about the test.

**PENNSYLVANIA** — Joel M. Friedman, chief of the organized-crime division in the U.S. Attorney's office in Philadelphia, is leaving government service to join a private law firm. During Friedman's tenure, which dates to 1974, his office targeted mob bosses including Nicodemo "Little Nicky" Scarfo, Philip Testa and Angelo Bruno.

A female Philadelphia police officer testified in January that she was raped at gunpoint more than a year ago by her partner, Officer Luis Soler. The two had responded to a burglary call in Germantown, she asserted, and upon entering the empty home Soler ordered her to remove her pants, then raped her.



**ALABAMA** — Albertville Police Chief Randy Amos's call for a permanent Border Patrol officer in North Alabama has gone unheeded, he said, because officials do not see the wave of illegal immigrants flowing into area poultry factories. Immigration and Naturalization Service officials say that the agency's continuing policy of protecting the country's borders will lessen Alabama's problem.

A Federal magistrate ruled Jan. 30 that the state prison system should not be allowed to chain inmates to a metal bar for hours at a time. Prison officials contend that the practice, which has been in place since 1993, is used as a form of discipline and not punishment. Inmates are chained to the bar, called the "hitching post," for up to seven hours in all kinds of weather with no access to food, water or a toilet. Prison officials said they will appeal.

**ARKANSAS** — Southeast Arkansas authorities last month seized three fully operational crystal methamphetamine labs. The labs used the "Nazi-method" of production first developed during WWII, which officials said produces high-quality meth using legally obtainable chemicals. It is faster, cheaper, less dangerous, and does not generate the odor associated with conventional methods. Drug agents seized several ounces of meth, along with ephedrine, red phosphorus, iodine crystals and other chemicals.

Wynona Bryant Williams, the widow of a slain state trooper, was ap-

pointed by Gov. Mike Huckabee in January to the State Police Commission. Her husband, Trooper Louis Bryant, was murdered during a traffic stop in 1984 by Richard Snell, a white supremacist who was executed in 1995. Williams holds a doctorate in education from Texas Woman's University.

State Police charged Walnut Ridge Police Chief Kenny Jones and former police detective Sam Spades with theft after alcohol and drugs were found missing from a police evidence room. The items were discovered after Spades attempted suicide in May. The Lawrence County Sheriff's Office asked the State Police to investigate the incident, and they discovered the liquor and prescription drugs missing from the Walnut Ridge department.

The Waffle House Corp. donated \$2,000 last month to the Little Rock Police Department for expanding a memorial wall to officers killed in the line of duty. Although 22 officers have been killed, only 21 names appear. The discovery of an officer killed in 1885 will fill the wall.

**FLORIDA** — Emergency 911 service was halted for two hours Jan. 21 in Indian River County when a construction worker damaged a fiber optic cable. Cable TV programming had to be interrupted to warn residents about the disabled emergency system.

**GEORGIA** — Atlanta homicide detectives said in January they would ask the state crime lab to compare evidence found at the murder scene of 31-year-old Dorothy Hicks with DNA gathered from seven prostitutes slain in the city since 1988. Hicks was strangled and beaten, her body dumped next to a boardinghouse. Police charged Tyrone R. Scott with her murder. Over the years, Scott, 35, has been convicted of 16 crimes, including three rapes.

**LOUISIANA** — The New Orleans Police Department received two dozen calls last month wanting to know if there was any truth to a story circulating on the Internet about business travelers having their kidneys stolen. Lieut. Marlon Defillo said the story, though completely false, tied up the department through the Sugar Bowl, the Super Bowl and Mardi Gras.

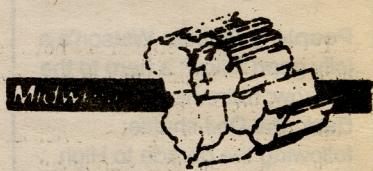
**NORTH CAROLINA** — A "posse" composed of state Highway Patrol troopers, state Bureau of Investigation agents, Vance County sheriff's deputies and Henderson police has begun targeting high-crime areas in Henderson as part of Operation Helping Hand, aimed at ridding the areas of drug dealers and other criminals. The effort is bolstered by more than \$350,000 in state grants.

**VIRGINIA** — Manassas County officials have approved an 11 P.M. to 5 A.M. weekday curfew for juveniles under 18. On weekends, the curfew will be enforced from midnight to 5 A.M.

Chesterfield County police believe they may have solved more than 50 burglaries with the arrests of Albert Wayne Adcock, 26; Willie Robbie Jimerson, 35; and Christopher Michael Russell, 19. Adcock was arrested after breaking into a home in the county's Pennwood subdivision. His M.O., said police, matches that of a burglar who

has robbed 10 day-care centers in the past several months and broken into at least 10 residences.

Alexandria City Council members agreed last month to consider raising the salaries of sheriff's deputies to match those of police officers. Sheriff James H. Dunning said that while his staff has virtually the same training as police officers, they are paid \$38,989, including overtime, as compared with the \$46,360 base pay for police officers — an 18.9-percent difference.



**ILLINOIS** — A commission appointed by Gov. Jim Edgar last month recommended a \$2.2-million program to fight gang-related problems. The commission's recommendations include three "community mobilization" demonstration sites, six pilot projects for gang-plagued communities, help for keeping guns out of schools and the creation of a boot camp for gang members. The state's leading gang expert, University of Chicago professor George Knox, said the \$2.2-million price tag will not cover the commission's proposals, and that there is no evidence that boot camp will work against gangs.

The Illinois Association of Chiefs of Police is leading the charge against a bill that would permit some people to carry concealed weapons. In addition, the group is focusing on legislation that would increase penalties for those who flee and elude police.

A study by the Woodstock Institute found that there are six times as many liquor stores in Chicago's poor neighborhoods as in affluent ones. The prevalence of liquor stores, said the study, increases the incidence of petty crimes in those areas.

A 500-bed "super prison" for inmates considered too tough for maximum security will be opened in December in Tamms. The prisoners will be locked in their cells 23 hours a day.

**INDIANA** — State Police arrested Brookville Police Officer Randy Taylor last month after he allegedly staged a burglary to cover up a theft from his own evidence locker. Taylor, 32, had placed a bag of money and some marijuana from a suspected drunk driver he pulled over in 1996 inside his evidence locker. Over the course of a few months, said state police Det. Michael Spurlock, Taylor began dipping into the money. In order to replace the money before the case came to trial, Taylor allegedly began stealing from the department.

Federal Express on Jan. 22 backed down from a proposed reduced pickup schedule in Gary, one day after officials threatened a boycott of the company. FedEx, concerned for its employees' safety, had said it would no longer pick up packages in the city after 4 P.M.

**KENTUCKY** — The Henderson County school district last month proposed to pay for an additional city police officer who, if the city approves the arrangement, would patrol the Henderson County High School as a regular beat. The school system would pay



# Around the Nation

about \$16,000 a year — about what it had paid the Fraternal Order of Police to have a moonlighting officer on hand.

State child-abuse investigators last month began routinely checking the criminal records of suspected abusers using a statewide computer database.

**MICHIGAN** — Police in communities surrounding Detroit are investigating a possible serial killer responsible for the deaths of four prostitutes in the past eight months. The women were severely beaten and dumped in fields.

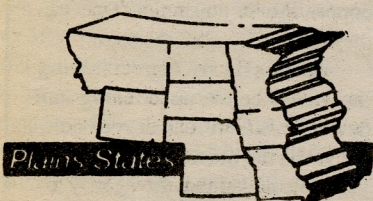
**OHIO** — In the aftermath of a hostage incident last year in which three state workers were seized, a committee appointed by Gov. George Voinovich last month called for the development of a comprehensive security plan for government buildings statewide.

A supervisor and officer with the Cincinnati Police Department's Mounted Horse Patrol Unit have been reassigned following the release on Jan. 24 of an internal report into allegations that the unit was rife with problems. While many of the allegations against the unit were rejected, investigators did recommend disciplinary action against Officer Judith Gallespie and Sgt. Phillip Vickers. Gallespie is accused of offending co-workers by talking about her menstrual period, stripping to her underwear in front of them, and simulating oral sex with Vickers. Vickers is accused of not holding Gallespie to a decorous standard of behavior, not maintaining proper records and improperly documenting the return of a horse deemed unsuitable for police use.

Depending on the outcome of lawsuits contesting a \$250 fee imposed on convicted drunk drivers to reinstate their licenses, the state may have to refund \$17 million to 70,000 motorists.

**WISCONSIN** — The Assembly on Jan. 28 backed a bill that would add the right to keep and bear arms to the state's constitution. Approval by the Senate is needed before the bill can be introduced to voters in a statewide referendum.

Milwaukee police Det. Steven J. Spingola earned \$64,000 in overtime pay last year, boosting his salary to \$111,181 — more than Police Chief Arthur Jones's salary of \$95,927. Spingola topped the list of all 1,976 officers who received overtime in 1996. Jones, who has raised concerns about the amount of overtime since becoming police chief in November, has issued an order requiring supervisors to submit detailed reports when officers work more than 20 overtime hours in a two-week period.



**MINNESOTA** — A report released in January shows that nearly two-thirds of felons released from state prisons are rearrested within three years. Property offenders were more likely to commit additional crimes than violent offenders, the report said.

**MISSOURI** — A predominantly black

church in Sikeston, the Prince of Peace Baptist Church, was victimized by arson Jan. 9, with the fire causing \$100 worth of damage that included scorched curtains and broken glass strewn across two rooms. Officials with the U.S. Bureau of Alcohol, Tobacco and Firearms said they have no suspects in the fire.

**MONTANA** — The House Judiciary Committee last month approved a bill that would abolish hanging as a means of execution. Should the legislation pass, only lethal injection would be used to execute condemned criminals.

**NEBRASKA** — Police say convicted sex offenders are in no hurry to comply with legislation that took effect Jan. 1 requiring them to register with sheriffs in the county where they are living. As of late January, only 82 people had registered statewide.

More traffic tickets were written out by state troopers in Lancaster County last year than in any of the state's 93 counties — 8,404 from January to November.

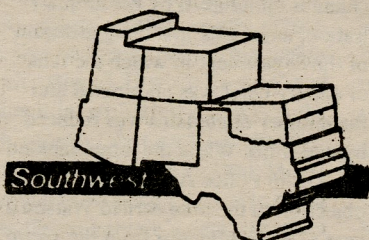
Some 225 undocumented immigrants were arrested by Border Patrol agents last month in Grand Island as part of a crackdown on illegal aliens migrating to major cities from Midwestern states.

The last two siblings involved in a family-run heroin distribution ring in Omaha were sentenced Jan. 24. Ana Rosa Padilla-Pena, 37, was sentenced to 27½ years in prison, while her sister Angelica, 24, was given a 13-year sentence. The heroin ring was overseen by the five Padilla-Pena brothers and sisters, all from the Mexican farming village of Nyarit. They were among 17 arrests made that Omaha officials said will strike a major blow to the area's drug trafficking network.

**NORTH DAKOTA** — Residents in Benson, Eddy, Nelson, Ramsey, and Towner counties in the Devils Lake region are now linked to 911 emergency service.

**SOUTH DAKOTA** — The state Senate will soon be considering legislation that would lower the legal blood-alcohol level to 0.02 percent from 0.10 percent for drivers under 21.

**WYOMING** — Legislation that would suspend the license of anyone under 21 caught with a blood-alcohol content of 0.02 percent was approved last month by a House committee.



**ARIZONA** — A report by The Arizona Republic this month found that half of those convicted of killing children since 1992 were sentenced to less than 10 years in prison. One-fourth of the 58 child killings resulted in no conviction.

The state prison system is now nearly 3,000 inmates over capacity and growing at a rate of 139 inmates a month, according to the Department of Corrections. A \$141-million prison

complex being opened in phases will not be fully operational until 1999.

**COLORADO** — The state House will consider a bill that would charge state prison inmates \$2 a day to help pay for the electricity they use to run their radios, televisions, hair dryers and other appliances.

The sponsor of the state's first concealed weapons bill said he is willing to compromise to get the bill passed. State Senator Ken Chlouber's legislation gives local sheriffs the final decision on who can carry a concealed gun.

**NEW MEXICO** — House Speaker Raymond Sanchez warned his colleagues last month to watch out for undercover police officers posing as gambling officials and offering bribes to support certain legislation.

Citing problems with the Kawasaki motorcycles now used by the Albuquerque Police Department, Chief Joe Polisar wants his agency to switch to Harley-Davidson Road King bikes. The Harleys cost about \$14,000 a piece, about \$6,000 more than the Kawasakis, which police officials say have had such problems as cracked frames, jammed engine valves and a transmission lockup that played a role in a wreck last year that injured an officer.

**OKLAHOMA** — Arson is suspected in a fire at a predominantly black church on the eve of the Martin Luther King Jr. holiday. The Antioch Baptist Church in Tahlequah sustained only minimum damage. Witnesses reported seeing two white men drive away from the church in a white four-door car.

The Oklahoma Highway Patrol last month kicked off a "Stop the Knock" campaign to encourage motorists to drive sensibly. The name of the project refers to the troopers' duty to knock on the doors to inform families that loved ones have died on the highway.

**TEXAS** — Three men in Beaumont who were charged with selling a device to schools and police agencies that could allegedly track drugs, explosives and weapons were acquitted of mail fraud Jan. 29. Schools and police spent \$1 million on the Quadro Tracker before the FBI declared it a fake.

In light of the false accusations made against two members of the Dallas Cowboys football team, the Dallas Police Department said Jan. 28 that it will now wait until suspects are arrested or charged before identifying them.

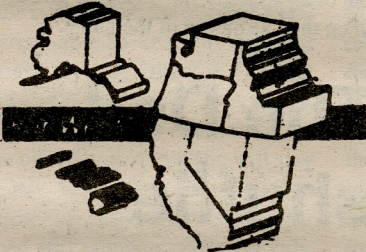
San Antonio police officials are investigating the circumstances surrounding the death of Merle York, 66, the second man to die in January after fighting with police. York suffered a heart attack on Jan. 3 as he struggled with Officer Lawrence Saiz, 28, outside a convenience store. Saiz suffered stab wounds in his arm and leg during the fight. The other incident involved a Mexican businessman, Eli Montesinos, 44, who collapsed of an apparent heart ailment after struggling with police.

About 20 prisoners in San Angelo staged an uprising Feb. 2 after Tom Green County Sheriff Dan Gray banned visits to the jail by children under 14. The issue is one of safety, said Gray, noting that several youngsters were hit

by patrol cars in the parking lot.

A bill that would end the automatic early release of prison inmates was approved by the Senate in January. Under the legislation, the parole board would review inmate's cases before they are released.

**UTAH** — A sex offender who broke out of Gunnison prison in November is continuing to elude police. Keith Shepherd, 37, is believed to have committed new crimes in four states.



**CALIFORNIA** — The state Supreme Court last month upheld a court order obtained by the city of San Jose that prohibits gang members from congregating in a neighborhood or "annoying" residents. The dispute over the 1993 injunction was a test case for eight cities in Los Angeles County.

Los Angeles County's \$373-million Twin Towers jail opened in January after languishing vacant for 15 months due to lack of funds to run the ultra-modern facility. The 4,000-inmate jail, which is designed to hold maximum-security defendants awaiting trial will be filled to capacity by year's end, officials said.

The San Francisco's Cannabis Buyers' Club will reopen for business after a Superior Court judge ruled that the club could provide marijuana to its members under the provisions of the recently approved Proposition 215 initiative. In a related development, a class-action suit was filed last month by a group of San Francisco doctors and patients who are trying to block the Clinton Administration from penalizing physicians who prescribe marijuana to their patients under the new state law. The suit alleges that the Federal Government's plan to prosecute or strip the prescription licenses of doctors who endorse the drug for seriously ill patients intrudes on the doctor-patient relationship guaranteed by the First Amendment.

A Los Angeles burglar got 10 years knocked off his sentence after a judge ruled Jan. 19 that since the homeowner was already lying dead in a bedroom at the time of the break-in, the house was not technically a dwelling. Edmond James Ramos, 40, was convicted of breaking into the San Fernando Valley home of Virgil Wagner. Ramos saw Wagner's body, eyes open and staring outward, and ran out with a videocassette recorder. He was still sentenced to 75 years in prison.

Federal officials last month launched a civil rights probe into a hit-and-run accident involving a former South Pasadena police officer, which was allegedly covered up by colleagues. Scott D. Ziegler, the ex-cop whose father-in-law is a former mayor of South Pasadena, pleaded no contest to a misdemeanor hit-and-run after he sideswiped a parked Honda in 1995 and drove off. Ziegler was subsequently fired from the force. The new investigation comes just as the 35-member

department is recovering from a sex scandal in which two officers were accused of having on-duty sex with a 27-year-old manic-depressive woman.

Police officials in January told the Los Angeles Police Commission that arrests fell in fiscal year 1994-1995 to 189,000, compared to 290,000 during 1990-1991, due to the adoption of community-based policing programs, and the aftermath of the Rodney King beating incident.

**HAWAII** — State lawmakers are considering a bill that would allow the names of violent sex offenders and child molesters to be listed in newspapers and on the Internet.

**IDAHO** — A state report issued Feb. 2 shows that 271 child-molestation cases were reported between mid-1995 and mid-1996 — a decrease from the 295 reported in the previous 12-month period. The record, 425, was set in 1992-1993.

**OREGON** — There were at least 205 drug-related deaths in the state in 1996, a new state record. Heroin was involved in 155 of the deaths. The number of deaths due to drugs in Oregon has increased from 39 in 1991.

Portland public safety specialist Danette Q. Nacoste, 31, is being investigated for possibly tipping off drug dealers and others under suspicion, including her boyfriend, about police activities. In an affidavit filed in Multnomah County Circuit Court, Nacoste was accused of risking the lives of police officers. Once, the affidavit said, police arrived at a suspected drug house only to find the suspect standing in his front window, waiting for the officers. Nacoste had access to police computer terminals, lists of suspected drug houses and other sensitive material, the affidavit said.

Officials said in January that a law requiring prison inmates here to work 40 hours a week and turn over their earnings to inmate expenses and restitution will probably be revised and sent back to voters, after it was found to conflict with Federal law.

**WASHINGTON** — Country-and-Western tunes about the travails of "no-good, low-down, poor white trash" will no longer be played while callers to Chelan County offices are on hold. Sheriff Dan Breda and others were reportedly upset by the tunes, and complained to county commissioners.

A suit was filed Jan. 17 against Snohomish County, the City of Sultan and a fleeing driver by the parents of a Shoreline man killed during a police pursuit. Matthew Acheson, 25, suffered fatal injuries when a pickup truck driven by a motorist fleeing a Snohomish County deputy's patrol car crashed head-on into his car. A passenger, Andrea Del Ciello, was seriously injured. Another passenger escaped serious injury. The fleeing motorist, 18-year-old Daniel McGrew, was initially stopped by a Sultan police officer for having expired license tabs. McGrew took off after stopping briefly and was soon being chased by the deputy. The suit contends that no matter what the deputy's intentions, his pursuit caused a dangerous roadblock that helped cause the accident.



# People & Places

## Goffio is boffo

If he wore a cape and had the letter "S" on his chest, New York City police Det. **Joseph Goffio** couldn't be more of a superhero than he already is to 11-year-old **Sultan Sayed**.

Sultan, a dark-haired boy from Coram, N.Y., suffered from T-cell acute lymphocytic leukemia. Diagnosed with the disease in 1995, he would have died without a bone marrow transplant.

Enter Goffio. A 14-year veteran who has worked for the past four years in the Brooklyn South Narcotics Division, Goffio was the second-best possible bone marrow match for Sultan. He stepped in when the best possible match declined to donate. It was during this time that doctors at Memorial Sloan Kettering hospital gave the boy less than a month to live.

Goffio and Sultan were brought together by South Asian Marrow Association of Recruiters (SAMAR), a four-year-old group based in Queens that recruits volunteer donors for the National Bone Marrow Donor Program, an organization that maintains a list of 2.5 million possible bone marrow donors.

With Goffio's marrow, Sultan's cancer went into remission. "He saved my son's life," said **Zarlasht Sayed**, Sultan's mother. "Sultan went through a lot, but Joe became his angel."

In December, the two met for the first time at a party arranged by SAMAR. Members of the civic and health communities mingled at an Elks lodge with over 200 guests and 80 relatives.

Goffio struggled to stay composed as he held the youngster. "I feel like a blessed man," he said, "to be here with my friends and family and finally meet the little boy who is so courageous."

During a dramatic candle-lighting ceremony and gift exchange, Sultan gave Goffio a gold cross necklace, and SAMAR handed him a clock. "Both gifts are significant," said **Renu Lobo**, a representative of SAMAR who served as master of ceremonies. "Sultan's time was running out and Joe gave that back to him. He gave Joe a crucifix so that God may save him from any peril."

Sultan was presented with a framed certificate making him an honorary member of the Detective's Endowment Association. Then Goffio gave him a gold shield in a black holder and said, "You're getting an instant promotion."

## On top of his game

After taking some "personal and professional inventory," Anne Arundel County, Md., Police Chief **Robert A. Beck** announced in January that he would be retiring.

Beck, 51, has been at the agency's helm for just a year-and-a-half. But despite reports of low morale among the county's 600 officers, officials said they were surprised by Beck's decision.

**Dennis Howell**, president of the local Fraternal Order of Police lodge, noted that the department had been plagued by morale problems because of contract disputes with the county. But Beck, he said, had not been drawn into

the fray.

Howell also praised Beck for upholding high ethical standards among officers, and increasing the agency's on-street staffing. The latter move resulted in the capture of four serial robbers.

Although he said he would stay in the area, Beck said he does not have any immediate plans. As a 29-year veteran of the department, he's been eligible for maximum retirement benefits since becoming chief in 1995.

Beck compared his retirement to that of an athlete who "[tries] to go out when they're on top of the game."

## The DOJ shuffle

The announced resignation in January of Deputy Attorney General **Jamie Gorelick**, and the previously announced departures of Associate Attorney General **John Schmidt** and **Deval Patrick**, the assistant attorney general for civil rights, has left the Clinton Administration, just barely into its second term, confronting a familiar problem: a leadership vacuum at the Justice Department.

Gorelick is widely regarded as the most stabilizing force at Justice. The department's second-ranking official and one of the Clinton Administration's top policy-makers, her absence will leave open the top management job at the huge agency.

"When a key position becomes vacant, you have a problem," former attorney general **Dick Thornburgh** told USA Today. "When you have three vacancies at this level, the difficulty is multiplied."

Schmidt, DOJ's third-ranking official, had been overseeing the Administration's program to fund 100,000 community police officers nationwide, among other duties.

Gorelick denied that her resignation is due to the fact that Attorney General **Janet Reno** will remain for a second term, saying she needs some time to be with her family. She has two young children.

"It is a job that requires boundless energy and a boundless appetite to get a leg up on the problems and challenges facing government," she told the Washington Post. "I view it as a sprint. I am leaving to take a pause, take some time to reflect and spend some uninterrupted time with my family."

Often mentioned as a candidate for a number of Cabinet posts and other senior positions with the Administration, Gorelick guided the Justice Department through the Oklahoma City bombing probe, the Unabomber investigation and the department's review of affirmative action, among other major cases.

Reno and Gorelick are said to be friends, despite repeated rumors that Gorelick was a potential successor to the Attorney General.

"Jamie brought tremendous managerial skill, brilliant legal ability and great sensitivity to an extremely difficult job," said Reno. "Her contributions to the department are incalculable and I will miss her greatly, both as a colleague and a friend."

**Eric H. Holder Jr.**, the U.S. Attorney for the District of Columbia, is said to be a top contender for Gorelick's position. If nominated and confirmed, Holder would be the highest ranking African American in DOJ's history.

## He loves a parade

Maj. **Louis Quijas**, the Kansas City, Mo., Police Department's highest-ranking Hispanic officer, is leaving to become Police Chief of High Point, N.C., beginning Feb. 1.

While Quijas, 45, said he would love

to have stayed in his hometown of Kansas City, the new post is a "golden opportunity." High Point is a blue-collar city of 77,000 residents, he said, that is increasingly facing the same crime problems common to larger cities.

Quijas, who will be the only Hispanic among High Point's 186 officers, said police there are now dealing with gang cruising, and are seeking ways to improve relations with the minority community.

"The city is growing so fast, they want someone who is going to look down the road," he said. "Things are bad, but they realize things could be better."

Quijas has served on the board of directors of Newhouse, a Kansas City shelter for battered women, and has tried to increase the city's awareness of domestic violence issues. He also served as vice chairman of the Mayor's Task Force on Race Relations.

About his leaving for High Point, Quijas said: "It was a quality-of-life decision... This is a town that still has Christmas parades down Main Street."

## Feather in his CAPS

The Chicago Housing Authority Police Department (CHAPD) recently named **Cmdr. Leroy O'Shield** of the Chicago Police Department as its new police chief.

No stranger to CHAPD, the 53-year-old O'Shield is credited with the virtual elimination of the daily shootings of teenagers in the Cabrini-Green area while commander of the police department's 15th Precinct. A pioneer in community policing as well, O'Shield is one of the pioneers of Chicago's nationally recognized Community Alternative Policing Strategies (CAPS) program.

O'Shield began his career in 1967

with the Chicago Police Department, working in units that targeted internal police corruption, organized crime, vice, conspiracy and gangs. In 1985 he was appointed Deputy Commissioner of Aviation in charge of Safety and Security for O'Hare and Midway airports and Meigs Field. Three years later, he returned to the Police Department as district commander, and was promoted to commander in 1990.

He holds a master's degree in public administration from Roosevelt University and a master of science in corrections from Chicago State University.

As chief of the CHAPD, O'Shield will lead a force of 460 police officers and 320 security personnel, who provide public safety services for more than 100,000 public-housing residents.

## Agents of change

In an inter-office shuffle, the FBI has tapped **William C. Megary** to head its New Jersey field office, replacing an agent who is taking over the bureau's Boston branch.

Megary, 47, is presently head of the Washington Metropolitan Field Office, which investigates violent crimes, drug cases, civil rights violations, corruption and financial crimes in the city and six Virginia counties. A native of Baltimore, he began his FBI service in 1977.

**Barry Mawn**, whom Megary will be replacing, is leaving Newark to head the Boston field office, according to an FBI spokeswoman. Mawn, 51, distinguished himself during his 28-month tenure in New Jersey as a result of an exhaustive investigation into the Unabomber's activities there and his work with local law enforcement.

Earlier, Mawn helped found the Joint Terrorism Task Force in the FBI's New York office before coming taking charge in New Jersey in 1994.

## For she's a jolly good fellow

### Watson leaves Austin PD for COPS Office visiting fellowship

Austin, Texas, Police Chief **Elizabeth Watson**, who was the first woman ever to lead a police force in a city of over 1 million when she headed the Houston Police Department from 1990 to 1992, can now add another "first" to her résumé. She was named last month as the recipient of the first national visiting fellowship ever awarded by the Justice Department's Office of Community Oriented Policing Services.

Watson, 47, who has been Austin's top cop since August 1992 — the first female chief in that city as well — announced last month that she was resigning to accept the COPS fellowship, in which she'll direct a one-year project to develop a national police leadership model.

In an interview with Law Enforcement News, Watson said she will remain based in Austin, although the new position will entail extensive travel around the country "to see who is making the most progress in terms of identifying future leaders and putting them on the fast track, identifying what

kinds of skills and abilities they have innately, and the kind of opportunities they've had in their lives and working experience that have contributed most to their upward progression.

"Then we'll see if we can develop a model for police departments whereby we can all put systems in place, so that we tap into the potential they have," she said.

Watson's resignation in Austin is effective Feb. 21. At press time, city officials had not announced a successor.

As her law enforcement career nears the 25-year mark, Watson said she continues to be impressed with the steadily increasing overall quality of police recruits. But she says the law enforcement profession does not adequately nurture those who show outstanding leadership qualities — a situation she hopes to change in her new position.

"What happens is that we get people who are technically proficient as police officers, they are promoted, but they never get adequate exposure to the kinds of skills that are required in their new positions," she said.

"They're never told what tasks they must no longer perform, lest they be accused of micromanagement. What we wind up with are well-meaning, talented, bright people doing the wrong job."

Looking back over four-plus years as chief of the 1,000-officer Austin force, Watson noted several major changes undertaken by her administration, among them a reorganization of the department in which the rank of deputy chief was eliminated and the number of captains was reduced by one-third. While the move rankled the Austin Police Association, whose objection to the plan earned Watson a vote of no-confidence from the group in 1995, the City Council and other city officials supported the effort and praised her work.

Watson said the move benefited line officers by delegating more decision-making authority to them. A new street detective plan, which provides uniformed investigators for every patrol platoon, has been instituted, she said, "so there will be investigative experience right at the crime scene."

A sector lieutenants' plan that is also in effect "elevates [lieutenants] to a status that in effect makes them mini-police chiefs for their geographic area, for which they are responsible 24 hours a day, 7 days a week," she added.

"Most of all, I'm pleased that the opportunity for people in the lower levels of the organization to make a greater impact than they could have in a paramilitary structure has been successful. They rarely disappoint, and given the opportunity to make a difference, they invariably do," she said.

Watson said she regrets leaving the agency before undertaking staff development efforts that she had put at the top of her agenda for this year. She added that the agency's infrastructure needs to be shored up to absorb new officers being added to the department. "Our zeal in hiring officers has not been matched with the appropriate infrastructure, clerical and facilities support," she noted.

[A commentary by Chief Watson appears on Page 12.]



# UCR forecasts 5th consecutive crime dip

The number of serious crimes reported to police in the United States continued to drop during the first six months of 1996, the FBI said last month, decreasing by 3 percent compared to the same period in 1995.

If the preliminary figures hold — final 1996 statistics will be released later this year — it will mark the fifth consecutive annual downturn in crime.

The FBI reported Jan 5 that violent crime — murder, forcible rape, robbery and aggravated assault — decreased by 5 percent. Property crime, which comprises burglary, larceny-theft and motor vehicle theft, dipped by 2 percent.

The Crime Index for the six-month period dropped by 6 percent in cities with populations of over 1 million. Jurisdictions with populations of less than 10,000 recorded a 1-percent decline. All other urban populations groups showed declines, except for cities with populations between 500,000 and 999,999, where the Crime Index was unchanged compared to the same six-month period in 1995.

Suburban counties reported a 1-percent decline in the number of Crime Index offenses, while rural counties reported a 3-percent drop.

By geographic region, Crime Index totals dropped by 7 percent in the Northeast, 2 percent in the Midwest, and 8 percent in the West. Only the South reported a rise in Crime Index offenses, with an increase of 3 percent.

Interviews with police officials and accounts in local newspapers provide glimpses into the crime situation in selected U.S. cities:

¶ **Austin, Texas:** Although the Police Department has not yet disclosed

**“We put a lot of effort on juveniles. We’re trying to stay ahead of the curve.”**

— *Buffalo Police Commissioner Gil Kerlikowske*

its final crime tally for 1996, Police Chief Elizabeth Watson expects that it will reflect a continuing downward trend that began in 1993. “Of course, our crime rate in Austin has always been low in comparison [to other U.S. cities],” she told Law Enforcement News. “But at some point, you begin to wonder how low you can go, especially with the population growth we’ve been experiencing. In the old days, I would have held the belief that as your population grows, your crimes grow. But that doesn’t seem to be the case in Austin.”

Watson attributes the trend to closer bonds between officers and residents of the neighborhoods they patrol, a reorganization of the department that gives more decision-making authority to line officers and lower-ranking officials, and the willingness of officers to participate in problem-oriented policing. “That makes a very distinctive difference; I hear that everywhere I go,” the Chief said. “No matter what neighborhood I go to, people will tell me how much better things are today than they were 10 years ago. That’s quite significant.”

¶ **Buffalo, N.Y.:** Overall crime fell by 8 percent, and Police Commissioner Gil Kerlikowske expects that 1996 will mark the city’s fourth straight year of

declining crime. Arrests were up 17 percent, he added, the result of more aggressive enforcement tactics. The Police Department also has undertaken a number of proactive measures aimed at getting career criminals off the street. Concerted efforts by police to seize illegal guns have resulted in an 8-percent increase in the number of firearms taken off the streets, the Commissioner said.

The agency began a “massive” youth curfew enforcement effort last year that included assigning at least one solo patrol car in each precinct to apprehend violators of the ordinance, which Kerlikowske said was enacted in June 1994, but was never really enforced. The stepped-up enforcement, which peaked during the summer months, resulted in more than 75 arrests and nearly 400 citations, which Kerlikowske said was a factor in lower juvenile crime and arrests rates last year. “We’ve put a lot of effort on juveniles,” he told LEN. “We’re trying to stay ahead of the curve.”

¶ **Chicago:** Police Supt. Matt Rodriguez said last month that crime in the Windy City is at its lowest level in more than a decade. Homicide dropped by 5 percent to an estimated 787 in 1996, while robberies fell by 19

percent, non-fatal shootings by 10 percent, serious assaults by 6 percent, car thefts by 6 percent, and rapes by 4 percent. Rodriguez credited community policing and the addition of 1,000 new officers to the force in the past five years for the gains that were achieved.

The news wasn’t as good on all crime fronts. Domestic-related homicides jumped 11 percent and gang-related slayings rose 5 percent. The 183 bank robberies reported in the Chicago area in 1996 set a record.

¶ **Hilo, Hawaii:** Police Chief Wayne Carvalho says residents’ willingness to get involved with police contributed to the Big Island’s falling crime rate, which declined by 5.7 percent during the first six months of 1996, the highest decline recorded in the state.

¶ **New York City:** Crime declined at a rate three times that of the national level in 1996, falling 10.5 percent overall. The 973 homicides reported in 1996 marked the lowest murder toll since 1968. Violent crime fell 12 percent in the first six months of last year, while property crime fell almost 10 percent, police reported. The city ranks 144th in total crime, according to the FBI.

¶ **Sacramento, Calif.:** Crime dropped statewide in 1996 by 12.3 percent, to a level not seen since 1968. Violent crime fell by 9.3 percent, according to Attorney General Dan Lungren, with large declines in homicide (13.4 percent), robbery (9.9 percent), forcible rape (3.4 percent) and aggravated assault (9.1 percent). Property crime declined by 13.9 percent, Lungren added, with decreases in burglary and motor vehicle theft of 12.8 percent and 15.2 percent, respectively.

Lungren said the drop in crime is so dramatic that California had at least 1,600 fewer homicides victims in the last three years than it would have if murder rates remained at 1993 levels. “Sixteen hundred 911 calls that never happened,” Lungren noted.

The Attorney General credited community-oriented policing, which has been adopted by an increasing number of agencies in California, as well as the state’s “three strikes and you’re out” law, for the overall decrease in crime.

¶ **Wichita, Kan.:** Police reported that serious crime was down for the second consecutive year, and may end up at its lowest level in eight years. Murders fell from 42 to 26, while robberies, burglaries and auto thefts also were down.

¶ **Wilmington, Del.:** The number of homicides jumped 125 percent, to 21 in 1996 — a record for the state’s largest city. Most other crime categories fell, said police spokesman Lieut. Frank Pyle, except for rape, which rose 35 percent, and auto theft, which jumped 43 percent. Pyle said out-of-state drug dealers are partially to blame for the hike in homicide rates. “We’re hoping it was a freak year,” Pyle told LEN.

The situation prompted to 230-officer agency to increase patrols to high-crime areas, as well as participate in an effort with the Delaware State Police and the FBI’s Fugitive Task Force that targets out-of-state criminals, Pyle said. The agency also plans to hire up to 33 officers this year, and step up its role in a gun-interdiction program with the Bureau of Alcohol, Tobacco and Firearms, he added.

## The weight of the evidence: Minneapolis eyes tighter security in property room

The Minneapolis Police Department will likely implement most of the recommendations contained in a state audit of the Police Department’s property room, which had been ordered last year after an officer embezzled more than \$300,000 in drug money.

Police Chief Robert Olson said a study team of police officials is reviewing the recommendations, which call for tightened access to the property room and the evidence stored there.

“We just have to temper [the recommendations] with our business,” Olson told Law Enforcement News. “We’re not a bank; we’re a police department that’s run by cops and [civilian] employees who would not look at the situation the same way a financial institution would. We have to make sure we still do our business.”

Olson ordered the audit last April after Officer Stanley Capistrant, 49, was arrested and charged with pilfering \$336,556 from the property room.

A six-year veteran of the narcotics unit, Capistrant was responsible for delivering to the property room some of the estimated \$500,000 the unit seizes each year in the course of drug raids and arrests. He would sign the money out of the property room, saying it was the Federal Government’s share of what had been confiscated. But Capistrant, who pleaded guilty to the theft last September, admitted that he gambled away much of the money.

Minnesota Auditor Judi Dutcher,

**State audit, prompted by cop’s theft of drug money, rips slipshod inventory-control measures.**

whose office conducted the audit, said the report “provides a sobering account of the problems.... There is a need for immediate and decisive action.”

The report, released Jan. 2, cited crucial flaws in the way police handled drugs, cash and other evidence stored in the property room. It said a lack of procedures and loose controls over access to items in the property room increased the potential for further thefts.

In one instance, auditors discovered piles of cash and coins in boxes and trays in the drug vault — money that was intended for police pensions. The \$148,861 was deposited in the bank.

Auditors also found that in 29 of 60 drug inventory forms they examined, nobody signed off on bags of drugs that were heat-sealed to preserve the integrity of the evidence for use at trial. In 17 cases, no initials were found to show

who broke seals on evidence bags.

Among the audit’s major findings and recommendations:

¶ A handwritten log noted when seized cash was placed in and taken from the property room, but no one kept track of the total amount that was supposed to be there. The report recommended that most of the money be deposited in a bank and that wire transfers be used to distribute money that courts ordered forfeited. It added that some money should be kept on hand at the property room to return to its owner.

¶ Controls over the delivery, storage and release of drug evidence were weak. The amount of drugs brought to the property room wasn’t being recorded, so there was no way to know much was stored in the property room, inviting potential thefts. The report said the agency should require that all illegal drugs be weighed when they are turned in, require that officers witness heat-sealing of evidence bags and require clerks to initial the bags. It added that at least two people should be present when seals are broken.

¶ The department should institute a procedure that requires officers to sign an inventory form when they deliver an item, and also require the signature of the person who prepares the form. The audit noted that officers weren’t required to sign anything that showed they turned in seized property. This is already in place, according to Olson.

¶ No auctions of unclaimed jewelry

had been conducted since 1991. The audit recommended that the agency should retain an independent appraiser and comply with state law and department regulations requiring that jewelry be auctioned off on a quarterly basis if the aggregate value is more than \$50,000, and every six months for items that are appraised at less than \$50,000.

¶ The department should develop a new property room procedure manual to replace one that the audit said was outdated and ineffective.

Olson said he plans to share the findings and recommendations with his colleagues at an upcoming meeting of the Major City Chiefs Association. “Chiefs ought to take a look because it can happen to them. I’m sure the things it found wrong with our department could be found anywhere else.... They found several [problem] areas that are probably germane to most large departments.”

As for Capistrant, he was due to report to Federal authorities early this month to begin a 30-month prison term. Olson, who testified at Capistrant’s sentencing hearing and recommended that the judge impose the maximum penalty, said the ex-officer must also pay back the money he stole.

“We’re going to hound him until it’s paid,” said Olson. “He really hurt the department, the people who trusted him, those who considered him a colleague and fellow cops. He really betrayed his peers.”

### Law Enforcement News

Founded 1975.  
A publication of  
John Jay College of Criminal  
Justice, City University of New York.  
Gerald W. Lynch, President

**Marie Simonetti Rosen**  
Publisher

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Law Enforcement News is © 1997 and published twice monthly (once monthly during July and August) by LEN Inc. and John Jay College of Criminal Justice, 899 Tenth Avenue, New York, NY 10019. Telephone: (212) 237-8442. Fax: (212) 237-8486. Subscription rates: \$22 per year (22 issues). Advertising rates available upon request.

Requests for permission to reprint any portion of Law Enforcement News in any form should be addressed to Marie Simonetti Rosen, Publisher. ISSN: 0364-1724. Law Enforcement News is available in microform from University Microfilms Inc., 300 North Zeeb Road, Dept. P.R., Ann Arbor, MI 48106.



# Laughing matters

## A different view of policing, courtesy of New York's funniest cop

In the course of a day's work, police have been known to use the line, "What're you, some kind of comedian?" Officer **John DiResta**, a 10-year veteran of New York's transit police, could easily ask that question while staring in a mirror, and then answer it with a resounding "yes."

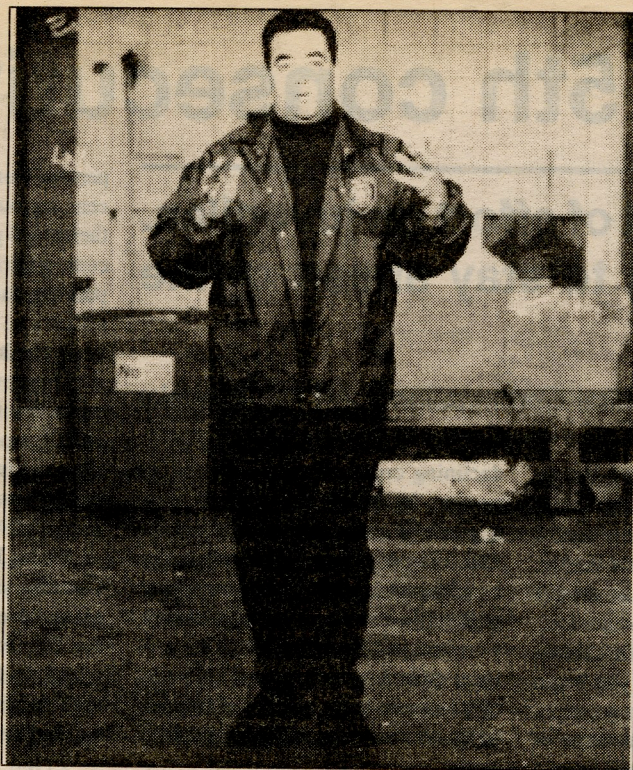
Since November, DiResta has been cracking up audiences with hilarious accounts of his police experiences, as part of his off-Broadway show, "Beat: A Subway Cop's Comedy." The show has wowed some of the city's most finicky theater critics while selling out the Kaufman Theater on 42nd Street several times.

DiResta, 32, wrote and stars in the show that deals largely with his six years as a member of the New York City Transit Police Department, which was merged two years ago into the city police force. DiResta continues to serve, as he did before the merger, as a homeless-outreach officer, distributing food and offering shelter to homeless people who take refuge in subway stations.

The unit has provided DiResta with a wealth of material for standup routines and the one-man show. Medals awarded to officers for service in the outreach unit, DiResta quips, are emblazoned with the legend "over 1 million served."

For those who are curious about what it's like to be a transit cop, DiResta offers a graphic, if unsavory suggestion: "Go out to your garage on the hottest day of August, urinate in the corner and stand there alone for eight hours and 35 minutes with a radio that might work — if you're lucky."

DiResta, a burly guy whose looks and comedic styling remind one of **Jackie Gleason**, recounts his appearance on television as the New Year's baby — complete with diaper —



**John DiResta**  
*Shooting from the lip*

which mortified his superiors. The real-life DiResta got off with a stern reprimand; in the show, his character is exiled to a subway station near the rundown Coney Island amusement park, where he spends his days giving directions, answering calls to a pay phone for the station's homeless denizens, and befriending a local rat.

Answering one pay-phone call, DiResta announces that he is a transit cop. "Yes, we carry guns. We got rid of the slingshots a few years ago — the sacks of rocks were weighing down our belts."

DiResta performs on a set made to look like a seedy subway station, clad in his old transit uniform. Such a costume might raise the ire of police brass, but so far, he says, he's received no high-level complaints — although the appearance-conscious department is apparently aware of it.

"I'm getting weird. Serpico-like phone calls like, 'John, this is Joe. I hear the department advocate had a tiny hearing, and they've found that, uh, your show, uh, doesn't cause any adverse criticism,'" DiResta said during an interview with Law Enforcement News after a recent performance.

"It's really, really, really pushing the envelope and walking a thin line," the comic said of his stage attire, noting the recent firings of a male and female NYPD officers who appeared as nude magazine centerfolds, wearing parts of their uniforms in some photos. "But the bottom line is that the Transit Police don't exist anymore."

Playing on the old Transit PD's undeserved reputation as a poor cousin of the city force, DiResta fires off a litany of "agency slogans" reflecting that perception: "Transit Police — You ride, we hide"; "We don't shoot criminals, we shoot each other." While other cops announce their presence to suspects by shouting, "Police, don't move!," according to DiResta, Transit's version is, "Transit police, don't laugh!"

DiResta's family also figures prominently in the show, especially his garage sale-loving father, who is always trying to foist his unwanted "bargains" on unsuspecting family members. "They're all pretty good about it," he said of his family's reactions to the characterizations, "but every now and then, my dad, when he's down or feeling angry, will complain about how the whole show is about him!"

DiResta, who has appeared in comedy clubs up and down the East Coast for nearly five years, said he's always wanted to be a comic. He already had a reputation as the homeless unit's clown, when his then-partner, **Mike Venckus**, suggested he answer an ad seeking young, inexperienced comics.

DiResta said he didn't have the first idea of how to put together an act, but decided to try. "As much as I was a comedy buff, I didn't really know the workings of starting and developing an act. But within six months, after a lot of hard work, I was getting some weekend gigs. Even though I'd only do five minutes on stage, I'd tape record it and go over it and go over it to see what works and what didn't, and build on it from there."

Since those inauspicious beginnings in 1994, DiResta has done nearly 500 shows, opening concerts for such singers as **Leon Redbone** and **Peabo Bryson**. He's also taken the title of "New York's Funniest Police Officer" in an annual contest sponsored by a Manhattan comedy club, and has appeared in a couple of low-budget films, playing cops.

With "Beat" emerging as a hit, DiResta has been getting some attention from big talent agencies and producers, and recently auditioned for a part — again, as a cop — on **Bill Cosby's** new TV show. DiResta also appears in a forthcoming documentary, "Under New York," which follows him through a typical working day while simultaneously depicting an average day in the life of one of his homeless clients. He said he also hopes to do some shows especially for the homeless.

For the time being, however, DiResta is concentrating on "Beat," which is staged in a theater that, ironically, is next door to the headquarters of an NYPD task force. He'll be taking a five-week break in about a month, at which time the show may move to a larger theater — again, next door to a large midtown Manhattan police station. "What are the odds of that happening?" DiResta quipped.

DiResta wants to continue as a police officer as long as both careers can co-exist smoothly. Even if he got a big break, such as a lucrative TV sitcom deal, DiResta says, "I'd take a leave of absence."

"As soon as I quit the force, the novelty would be gone — not much, but some of it. I'm doing something no one's ever done before."

### Emergency response:

## Changes due for Atlanta's year-old 911 system

Atlanta Mayor Bill Campbell recently announced a series of improvements for the city's 911 system — blamed for slow response in the minutes before the pipe-bomb explosion at the Olympic Games last July — that includes filling vacant positions, providing more overtime and increasing training for operators and officers.

Announcing the moves at a Dec. 31 press conference, Campbell acted in response to recommendations made by an independent task force he had impaneled after the July 27 bombing to look into problems with the \$37-million communications center that is the heart of the enhanced 911 system.

The bombing, which occurred at Centennial Olympic Park at the height of the Summer Games, killed two people and injured over 100 others. The incident is still under investigation.

The communications system came under fire after local news media reported that a 911 operator had mishandled a call warning that an explosion was imminent. According to a tape of the call that was placed to the 911 center shortly after midnight on July 27, the operator spent 10 minutes trying to find an address for the park before forwarding the threat to a dispatcher.

Campbell said it would cost the city about \$650,000 to implement recommendations made by the nine-member task force, which include:

- ¶ Paying overtime to operators.
- ¶ Accelerating hiring to fill 27 operator vacancies at the center, as well as hiring 30 new operators this year.
- ¶ Hiring a full-time trainer, an assistant commander, clerks and computer technicians who will undertake the task of updating addresses in the system.

¶ Increasing training for all personnel, including 64 hours of additional training for current employees to complement the four weeks of training they initially receive. Training will address such issues as stress management, telephone etiquette, and features of the computer-aided dispatch system. Employees and police officers would jointly attend a 24-hour, in-service training session about the system.

"We want to make sure the employees, both current and new, are comfortable with this sophisticated system," said Deputy Police Chief Louis Archangeli, who oversees the system. "Police are our customers when we dispatch them to answer calls so we want to put [operators] more in touch with

the officers. We've tried that on a limited basis and it's worked well."

Archangeli said police will also try to discourage people from making unnecessary calls to the system, which logged nearly 1.5 million calls last year, an 18-percent increase over 1995. "They'll call asking for directions to a particular location or, when we changed to daylight-saving time, the time of day," he told Law Enforcement News.

## KCPD on-line is a hit

If Kansas City, Mo., residents need to know anything about their local police department, the information is available at the click of a mouse, thanks to two World Wide Web sites that opened recently.

One of the sites, [kcpd.org](http://kcpd.org), was designed by officers Howard Carrey and Mark Fogel, who worked on it in their homes. "Both of us have worked on it until 5 A.M. at times," Fogel told The Kansas City Star.

Since April, the site has drawn 6,000 "hits" from Web browsers. Police leaders caution, however, that [kcpd.org](http://kcpd.org) has not been sanctioned as the official de-

partment site.

Fogel and Carrey expanded their original Web project, which focused on the department's history and information about officers killed in the line of duty. The site now offers browsers a "confidential informant" button which can be used to reveal information about any crime.

An "ask an officer" button allows users to chat with police in various units. The site also features photographs of people wanted on warrants.

Another Web site, [kc-crime.org](http://kc-crime.org), was set up by the Kansas City Crime Commission in October. The site offers a

first full year of operation.

"Everyone's quick to say that's why we did it," he said, referring to the bombing. "It just took that to see there were some problems with the system."

"We were really fortunate to have this blue-ribbon commission to look at this," added Archangeli. "We were able to take a critical, tragic incident and use it to look at ways to improve an average system and make it a great system."

brief history of the Police Department, but focuses more on solving crimes.

One section offers details of unsolved murders. Another, called "Have you seen this person?" features unidentified people who have passed bad checks at stores. The photos come from cash registers that photograph every person who writes a check.

The crime commission site has generated some tips that police have found useful, but Sgt. Craig Sarver urged that those with information still call the department and not e-mail the information because, he said, "we can't guarantee anonymity."



# Nebraska cops go back to school

## Police, educators in new bond

In an effort to increase school safety and give parents some peace of mind, Nebraska's school districts are increasingly involving local police in the protection of students.

Since the fall, officers have been assigned to the Papillon-LaVista school district, and to middle schools and high schools in Council Bluffs, Lincoln and Omaha. In one district, officials are aggressively combating drug use by bringing in a drug-sniffing dog for midnight searches of student lockers, and are also random, parent-approved drug testing of teen-agers.

The cooperation between school officials and law enforcement, which is due in part to state legislation that requires districts to report to police any student who has broken the law on school grounds, has even passed muster with the Nebraska Civil Liberties Union.

Matthew LeMieux, the NCLU's executive director, said comments he hears indicate that the public wants this collaboration. Schools, he told The Omaha World-Herald, are not shields against the law.

The reporting of violent acts to police does not always leave school officials in a comfortable position, said Omaha police Lieut. Al Pepin.

After viewing a videotape of a schoolyard fight at South High School last year, which led to sharp criticism of the school's failure to call 911, the school district and

police came up with a solution. The new reporting system will rely on a fax machine. Police will then be able to make the decision on what should be investigated as possible wrongdoing and when to dispatch a squad car. The system was adopted by the Millard School District.

Since August, police have received 190 reports of possible violations of law from Omaha's 80 schools and alternative education centers. Nearly 40 faxed reports have come from 20 of Millard's 29 schools.

Even in instances where there has been no crime, better communication between police and educators has proved useful.

A spokeswoman for the Omaha School District, Winnie Callahan, said in one case, students were bringing long, sharp picks to school disguised as ball point pens. Police were able to track down where the picks were being sold and prevent students from buying them.

In Sarpy County, educators and law enforcement have been working with juvenile court judges to track the progress of juvenile offenders placed on probation.

"It's important that professionals involved with kids be able to sit down and talk about what's best for children," said County Judge Lawrence Gendler.

There is talk, he said, of someday introducing legislation that would encourage this type of cooperation statewide.

# Santa Fe cops-in-schools program gets left back

Some Santa Fe, N.M., school officials say they are disappointed that the Police Department scaled back the number of officers assigned full time to schools this academic year, but a high-ranking police official says the action was taken to ensure that the department can effectively address crime problems throughout the city.

Police Chief Carlos Jaramillo, who replaced former Chief Don Grady III last year, decided to cut back the school operation because he felt the program was being undertaken at the expense of other critical crime issues facing the city, according to Capt. Ray Rael, commander of the 126-officer department's Investigations Division.

Specifically, Jaramillo reassigned officers that Grady had posted to the city's four middle schools, while detectives stationed at the city's two high schools remain. However, the high school detectives, while assigned to the schools full time, must also handle other criminal cases, Rael told Law Enforcement News.

Jaramillo also reinstituted the Juvenile Services Unit that Grady had eliminated in his effort to shore up police presence at schools.

Grady "felt you could impact the schools immediately, and it would reduce crime outside the schools. That didn't appear to necessarily happen," Rael said, adding that crime rates at the middle and high schools are relatively low compared to other U.S. cities, with few high-profile incidents.

While having officers in the schools allows them to quickly respond to incidents when they occur, Rael noted, that capability is at "the sacrifice of our ability to deal with other issues. It's always a tradeoff."

"The changes were made primarily

because of community concerns about our lack of attention to other [crime] issues," he said. "It basically comes down to an allocation of manpower, trying to apply it to as many areas as possible while still pleasing as many as you can."

Rael added that some detectives assigned to the schools were inexperienced in juvenile crime investigations, which he said was another factor for the change. "Quite often, we were finding that some of our cases weren't thoroughly investigated as we would like."

Some Santa Fe school officials said they are hopeful that an agreement can be worked out to return officers to the middle schools and keep detectives at the high schools on a full-time basis.

"My biggest problem is the lack of consistency that the police have given to this issue," said Aaron Trummer, principal of the 2,000-student Santa Fe High School, where one detective spends about three hours a day. "I think one officer on campus is adequate if utilized solely for the purpose of being on campus. But it constantly changes, and there are rumors going around that high schools officers will be pulled."

Exilda Martinez, principal of the Alameda Middle School, which has

about 450 students, said she was disappointed that the detective formerly assigned to her school was redeployed. So were her students, many of whom enjoyed close ties with the detective, Stanley Mascarenas, who continues to participate at the school as a volunteer football coach.

"He is a wonderful person," Martinez said. "The kids respected him. He was their adviser and role model, became their football coach and got other officers to help with the team."

It would be a good idea to assign an officer to every school, including elementary, Martinez added. "It's very beneficial for the community, including police, to get involved in the schools."

Beverly Friedman, a spokeswoman for the Santa Fe Public Schools, told LEN that ongoing discussions between school and city officials have explored the possibility of a public-private partnership to help cover the cost of the school-based officers, as well as the possibility of using public school funds to offset the costs to the Police Department.

SFPS officials have also begun an assessment of the security situation at the schools, she added.

# Stumbling Block: Felons skip out on work-release program

## LA Sheriff, under fire, tries to dodge the heat

Under attack for the Los Angeles County Jail's policy of routinely allowing violent criminals into the community via work-release programs, Sheriff Sherman Block last month announced new strict policies for the program, while lashing out at other city officials who he claims should share some of the blame for problems with the program.

The program came under scrutiny after a Los Angeles Times investigation reported that more than 25,000 inmates have been freed under work-release conditions in the last two years.

The program lets prisoners work at the sheriff's office or other public agencies during the day, and return to their homes at night. The newspaper said they had been granted work release without even a cursory glance at their criminal histories.

Most distressing, according to the report, was the frequency with which those on work-release failed to return. One in three work-release inmates simply skipped out, with a total of 1,915

inmates missing as of December. Roughly half of those had been sentenced on drug charges. Others had convictions for assault, armed robbery and other offenses.

That number is in addition to the prisoners released mistakenly due to clerical errors. Four prisoners were accidentally set free during the first week of December because of problems in the overburdened document control room, said officials.

In light of the disclosures, and a call by several law enforcement officials that the jail's policy be reviewed by state legislators, Block ordered a broad policy change that will ban all drug offenders from participating in work-release.

The practice of placing newly convicted inmates on work-release was also suspended, to give officials time to overhaul the system. In addition, officials are now checking the backgrounds of those currently participating in the program.

Block's policy initiatives will have a powerful impact on the jail system, which will now have to accommodate many more inmates within its facilities. Options are limited, custody chief Barry King told The Times, because of tremendous overcrowding in a 20,000-inmate system.

Placing fewer inmates on work-re-

lease, he said, would mean having to free convicts more quickly. "We can only keep so many people in custody," King said.

Block, who recently announced he would seek re-election to the \$222,000-a-year post, said he "absolutely [refused] to continue to take the heat for the failure of the entire system." Before a county Board of Supervisors hearing, Block said judges should carefully consider sending serious offenders to state prisons if they want to be sure they are securely locked away. The Board must also bear some responsibility, said Block, for failing to adequately fund jails.

Three jails have had to be shut down in recent years due to budgetary constraints.

Block said he had been unaware of how poorly the program was being run, and conceded that thorough checks were not being done to determine whether or not an inmate could be released.

The work-release programs were created in 1981 by the state, but counties were ordered to restrict eligibility to those sentenced to six days or less in jail. Los Angeles led the way in having that restriction eliminated, giving local sheriffs the sole authority over who gets out. That power was affirmed by Federal court rulings.

## Law Enforcement News

Affirmative-action programs looking a little black & blue

The jury is still out on community policing

Resigning the officer of the future

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Maternity-leave

Police force is too much  
With mandate to produce  
out on police use of excessive force

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(21497)



*Herman Goldstein is, quite simply, a legend in his — or any — time. Law enforcement officers, whether they know it or not, engage in police work everyday that has been profoundly influenced by the critical thinking of this one unassuming man. It is no overstatement to say that much of the “revolution” that has taken place in policing over the last 20 years is attributable to Goldstein.*

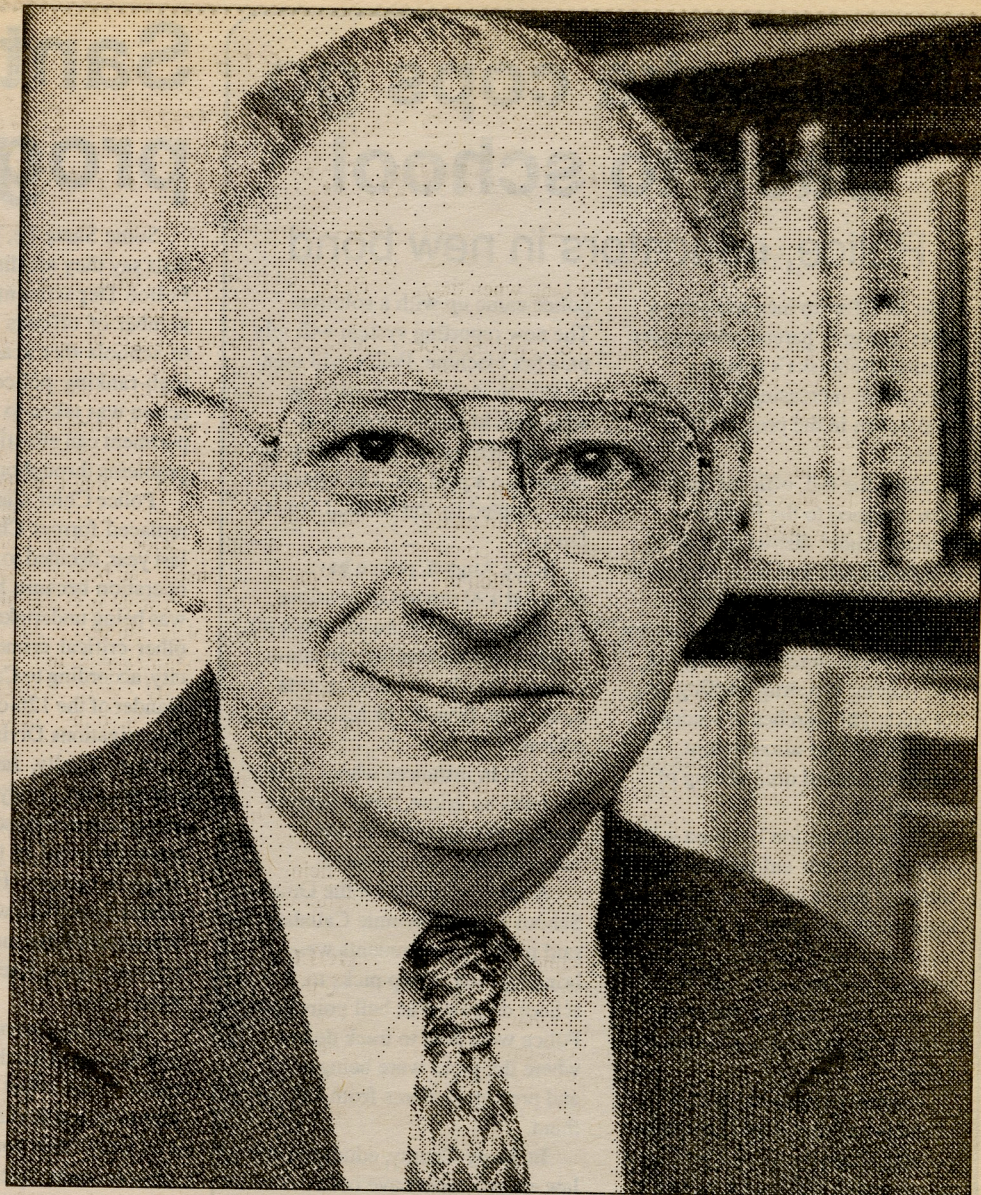
*In a sense, Goldstein is a fascinating study in contrasts: a police expert who never wore a uniform; a law professor who was never a lawyer; a giant in his field who prefers to mingle with those in the trenches.*

*It was in 1960 that Goldstein, then in his early 30s, began observing what police do — at all hours of the day and night, in all areas of the city of Chicago, where he worked. Serving as executive assistant to Superintendent O.W. Wilson, himself a policing legend, Goldstein was not the type to sit contentedly pushing papers from one side of his desk to the other. His firsthand observations of the police function would lead to what is recognized as one of the seminal scholarly articles in modern-day policing: “Police Discretion: The Ideal vs. the Real.” Published in 1963, the article was the first to acknowledge that police officers possessed and exercised considerable discretion in their day-to-day activities. Nowadays, police discretion is all but taken for granted, but such was not the case in the 1960s. Goldstein’s observations were nothing short of an epiphany for the police profession.*

*Goldstein left the Chicago Police Department in 1964 to join the faculty of the University of Wisconsin Law School, where he has stayed to this day, currently as a professor emeritus.*

*A prolific writer, Goldstein’s works, like the text “Policing a Free Society,” continue to be required reading for those with a serious interest in policing. But it was another article that Goldstein wrote, this time in 1979, that would pave the way for policing in the 21st century. “Improving Policing: A Problem-Oriented Approach,” which appeared in the journal *Crime and Delinquency*, prompted a number of progressive police departments, including those in Baltimore County, Md., Newport News, Va., and Madison, Wis., to experiment with this bold new method of thinking about and conducting the business of law enforcement. In 1990, he wrote the book “Problem-Oriented Policing,” which expanded on his earlier article. And the rest, as they say, is history.*

*In the interview that follows, Goldstein talks with Law Enforcement News about a variety of topics, notably the past, present and future of his intellectual progeny, problem-oriented policing.*



## A LEN interview with Professor Herman Goldstein, the “father” of problem-oriented policing.

**“In many respects we’ve been immature in the way we’ve viewed change in policing. One of the weaknesses is the feeling that in order to advance the field, we’ve had to discredit past approaches. I don’t think that follows.”**

**LAW ENFORCEMENT NEWS:** You’ve often been called the father of problem-oriented policing. Generally speaking, how is the offspring doing?

**GOLDSTEIN (laughs):** It’s rather hard to say. It’s a big country. When one floats an idea, and it takes off in many different directions here and abroad, well, I think I would have two — no, several — observations.

One is that, clearly, problem-oriented policing and problem solving have sort of become part of the vocabulary of policing. That has some very great benefits, but I also have some great concerns. The benefits are that, in a very uneven sort of way, police, sometimes at the top and more often at the beat level, are doing a lot of creative work in looking systematically and analytically at pieces of their business, and given the license to do so, are coming up with some very innovative responses to longstanding problems. I think that’s generated a lot of creative thought and has tapped the expertise, the energy and the resourcefulness of police officers, and has given the officers a great deal of satisfaction on the job.

The down side is that ideas of a conceptual nature tend to get trivialized. There are many situations in which claims are made that departments have adopted problem-oriented policing, where the progress, in fact, has been very superficial and often lacks an understanding of what it is that we’ve been trying to achieve in pushing for a greater focus on the substance of policing.

**LEN:** In the early going, problem-oriented policing and community policing were generally viewed as two different and distinct concepts. Somewhere along the line, though, the distinctions have gotten muddy and the terms are now often used interchangeably. Have the concepts merged, or has the nomenclature of community policing taken over?

**GOLDSTEIN:** I see a major difference between the two concepts, but I should quickly add that I have great difficulty with the labels that we put on changes in this field. I recognize that for

purposes of communication there’s a need for labeling in order to emphasize what we’re trying to do. But I think the labels come and go, just as, let’s say, the label of team policing came and went. The more important thing is in the details, the specific programs that make up these different concepts.

I’ve always assumed that community policing, and the package of changes commonly conveyed by that term, is designed to place emphasis on one great need in policing, which is to engage the community, to emphasize the point that the job of social control essentially in our society depends upon networks other than the police, that the police can only facilitate those networks and support them. Problem-oriented policing, on the other hand, places the major emphasis on the need to re-conceptualize what the police are doing more generally, to focus attention on the wide range of specific problems that police confront and to try to encourage a more analytical approach to those problems. Then, as a result of that analysis, to think through different strategies, one of which is to engage more intensively with the community in the context of dealing with that particular problem. There’s a big difference, but I think the difference is primarily in emphasis. We need more engagement in community; we also have a critical need for thinking differently about what the police are expected to do and investing heavily in systematic analysis of the various pieces of police business.

**LEN:** Community policing and problem-oriented policing often started in police departments with very progressive chiefs, sometimes working hand-in-hand with researchers, and from there it moved into the political arena, with mayors and other officials sometimes insisting that their police departments adopt the concept — at times, using it as a campaign issue. Now it’s even moved to the Federal level, with the President himself pushing heavily for community policing. Do you think this was a healthy pattern of development?

**GOLDSTEIN:** My own sense is that improvement in policing would progress at a faster rate if we looked to the bright lights and the talent that we have within the police establishment to do the



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***“If you have police officers who are more trusted, who are expected to exercise their discretion, who are free to take on various functions and think creatively about new alternatives, then, indeed, I think that a major change is occurring and has occurred.”***

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innovation. The reality is that they need support, and when they reach out for support, they're reaching out to people who are less familiar with all the complexities and dynamics of bringing about change in policing. When we look to political leaders, they are not likely to engage regarding the details, but are much more responsive to rather simplistic characterizations of what it is we're trying to do. Community policing in particular has a very strong, positive value attached to it in the political forum because it conveys a sense of a more intimate, caring relationship on the part of police for the community. The term itself almost conveys a sense of added security, and that has enormous attraction to political leaders. They are likely to buy into it for that reason, which has the positive value of increasing support for the efforts. But to the extent that it is not a very well informed perspective, it can create problems down the line.

**LEN:** Some surveys of police chiefs have indicated that the majority of them are involved in community policing, but some observers think that this is merely lip service for political and funding purposes. Do you think the majority of police chiefs in the country are true believers?

**GOLDSTEIN:** Once again, that depends on what one defines under that label. I think the vast majority of claimed efforts to implement community policing are very superficial and very, very thin, to a great extent because of a lack of understanding of what it is we're trying to achieve in the larger context, and also because of a lack of real commitment. But that's one of the consequences of this kind of political buying into the concept that we referred to earlier, that when you have it espoused by the political leaders, and dollars are attached to it and funds are made available, you'll get responses on the part of people who really do not understand, nor are they committed. Clearly, that is happening.

**LEN:** There's a train of thought suggesting that a) a police department might put in a proposal to get funding through the COPS office for officers or some related aspect of community policing, even though the officials don't truly believe in it, but b) if they get the money, they might become believers, thus c) making it a good thing in the final analysis. Do you think that's a valid way to look at it?

**GOLDSTEIN:** I'm more of a skeptic. I understand that argument and the feeling that, well, if they do a little bit, it might lead them to do more, and they ultimately might make a substantial commitment. The opposite side of that coin is that they will parade as community policing something that is so superficial that it doesn't really implement in any way what it is we're trying to achieve, and to the extent that they do that, that has the great danger of discrediting the whole package, the whole movement.

**LEN:** With respect to the Federal push for this, we've talked to a lot of people who feel that all this funding for community policing has driven out funding in other areas. Do you think that's true? What could we be doing with limited research funding if we weren't dealing with all this community policing stuff? Are there innovations we're missing out on as a result?

**GOLDSTEIN:** I agree to a great extent with that assessment. My impression is that over the years, the policing field itself has rather consistently and progressively given rise to or produced a large number of innovations, which, taken together and properly orchestrated, point the way for major overall improvement in the field. To a great extent, the injection of a massive amount of money to get people to do something will inevitably draw attention away from those efforts and push people to doing something that is thought of as sort of imitative and may not have a solid base of support. When the Federal program was first initiated, I gave a talk to NIJ, and I made the observation that the picture of change taking place in policing reminded me very much of a scene at a large beach on a Sunday afternoon, where a bunch of kids were all lined up at the shore making sandcastles. Some of them were very, very impressive and elaborate, and others were not so impressive and understandably crude. Nevertheless, taken all together, the picture was a very bright one. And I worried at that time that as this wave of new initiative on the part of the Federal Government was coming in, it might well wash away and eliminate all these varied initiatives that I thought could ultimately contribute significantly to advancing the field, however unevenly. That's the worry that I continue to have.

**LEN:** There's a sense of frustration, particularly on the part of the research community, that when it comes to public policy, community policing is like the flavor of the month, an idea that may never be fully developed....

**GOLDSTEIN:** I agree with that concern. On the other hand, I'm not so worried about those agencies that have enlightened leadership and the strength of conviction with which to experiment. I'm more worried about the large number of agencies that, without a solid foundation, are simply imitating what they understand in very rough terms to be the model that they should be building. What worries me is that mass of change that is not carefully thought through, that is without sound foundation, that lacks adequate understanding, and that is not appropriately connected with the wide range of supportive changes that have to take place. Because it can become so dominant that it can, as I said earlier, discredit what is essentially a good idea. It can become homogenized, diluted and trivialized. A police department will claim major success in its innovation, but if you look at it carefully, it's simply a warmed-over version of what was promoted and implemented in policing 34 years ago.

**LEN:** It is generally well recognized that problem-oriented policing emanated from your earlier groundbreaking work on police discretion. With community policing and problem-oriented policing taking the direction that it has, are line officers making better use of their discretion now than they did in the past?

**GOLDSTEIN:** I find the answer to that rather difficult because I see that process as so complex. That is, if we get away from the simplistic use of labels, whether community policing or problem-oriented policing, then what I see in the way of change that is occurring in policing is multifaceted. For example — and here we get beyond the labels and into the details — it involves broadening the police function. It involves redefining public

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***“I have worked in policing long enough to know that unless one maintains certain pressures and pushes for change, it's easy for things to revert all the way back to where they were a long time ago.”***

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expectations. It involves less dependence on the criminal justice system. It involves developing new alternatives and strategies for getting the job done that are outside the criminal justice system. It involves recognizing discretion and structuring that discretion. It involves being proactive rather than reactive. It involves changing the nature of the organization to support all of those things. And it involves giving the officers much more freedom and license to do their job in the field.

Those are just some of what is a much longer litany of changes, and if you have police officers who are more trusted, who are expected to exercise their discretion, who are free to take on various functions and think creatively about new alternatives, then, indeed, I think that a major change is occurring and has occurred. And to the extent that we are realizing some very positive results, I think those results are traceable, not just to the adoption of a label, but to a recognition that change is multidimensional, and that you have to have many things in place in order to support it.

**LEN:** In the face of all the changes that have occurred, are there aspects of, say, the professional model that should be maintained? Are babies being thrown out with the bath water?

**GOLDSTEIN:** In many respects I feel we've been immature in the way we've viewed the process of change in policing. One of the weaknesses in what we have done is the feeling that in order to advance the field and adopt a new approach, we've had to discredit past approaches. I don't think that follows. As I said earlier, this is a big country, and police agencies are in different stages in their development. There are some departments that never really went through the professional model, so to speak. They bypassed that. There are some departments that can bypass it, and there are others that would be best advised to go back and put in some systems of accountability and change that they never did put in in the first instance. So I think it's simplistic to label these models as being so exclusive one from the other that you can't meld them or build upon them. There are many police departments today that I think would make a major stride forward if they adopted the professional model of the 1960s.

**LEN:** When all this started to evolve, there tended to be conflicts between those who respond to calls for service and those officers who were assigned to community-oriented and/or problem-oriented activities. Is that conflict in evidence, particularly for those department that have been engaged in this approach for some time?

**GOLDSTEIN:** I think the lines are clearly drawn. For one thing, when you have young people coming in who are oriented in a different way, and whose generational values are different, you don't get the same kind of hangups, the same kind of rigid thinking that you would have on the part of older people — for the same reason that my outlook as to how to get things done in this world is different from that of my children. So there's a generational kind of change. Another is that we are drawing into police departments people with different orientations. Recruitment processes are gradually being modified so that we're not cloning people of the past, and we are gradually changing criteria as to who we're looking for as police officers.

There's another factor, and that is, behind the objection to community policing, rarely articulated for obvious reasons, was concern on the part of the police that this represented a caving in to community interests, when there was a dichotomy between what the police stood for and what the community stood for. There's a lot of people who feel that in the past community policing had some baggage attached to it because of what it was; it sort of reflected a cop-out, a plea of guilty to the fact that we were not as nice as we should have been in relating to the community. Therefore, to buy into it meant that we were guilty. I think much of that has gradually been modified with these various changes that I referred to, so there's not as much conflict. On the other hand, I have worked in policing long enough to know that unless one maintains certain pressures and just pushes for change, it's easy for things to revert all the way back to where they were a long time ago.

**LEN:** Many departments lately, and certainly New York City is a

good example, have incorporated an aggressive crackdown on quality-of-life offenses under the auspices of community policing. And such an approach is generally felt to have contributed to decreases in crime over the past few years. So the question becomes, is aggressive policing compatible with community policing, especially in crime-plagued neighborhoods where residents have demanded a tougher posture?

**GOLDSTEIN:** I think you've identified one of the most critical aspects of current change. Much of it relates to the question of what we mean by being aggressive. If you have a police department that has been sort of sleepy, and has retreated to just being observers, rather than being active, then aggressiveness really can be translated into just energizing a sleepy department to the point where they are now actively handling the more minor offenses, but in ways that other departments around the country have been doing for years as a matter of routine. I worry a great deal about the capacity of a department to move quickly from one posture to another in a catch-up sort of manner, because I think it often results in a lack of refinement. That absence of capacity to do it naturally over a period of time in a refined manner can lead to a lot of negative consequences. While you produce some short-term benefits, you may create some very serious long-term costs in terms of aggravating relationships with the community.

There are agencies that have had a much more mature progression of style or operations, in which they've had the time and the resources with which to refine their procedures, so that one would look at the end product and conclude that this is a department that does deal with quality-of-life offenses. It is in every respect aggressive, but aggressive in a way that is totally consistent with what we're trying to achieve in community policing, and with no serious costs in terms of disrupting a relationship and irritating the community and creating pockets of hostility toward the police. It's one thing to realize a quick dramatic decrease in some types of offenses, but if that's at the cost of creating great antagonism toward the police on the part of youth and future generations, then police departments are going to have to deal with the consequences of that hostility.

**LEN:** Some departments attribute recent decreases in crime to community policing — where having the community as a partner was really helping them identify crime and disorder problems and apprehend suspects. Do you see much of that?

**GOLDSTEIN:** Oh, yes. I think that's the ideal. Perhaps it would  
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# LEN interview: Herman Goldstein

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help if I just shared with you my perspective of what I see in much of this talk about community policing. I see different styles and forms of community policing — as arranged on a scale that's sort of equivalent to a Fahrenheit thermometer.

Down below zero are those departments that have to make up for past problems. They have to correct past practices, they have to eliminate the use of inflammatory language, they have to refine their relationships with minorities so that they are not creating hostility in the community. They have to get rid of bad practices so they will ultimately climb to the point of zero on the scale. Then they start building, in the form of reaching out to communities, engaging in conversation, developing friends, gaining support, telling the community how they can help the police.

As they move further up the scale, they're talking in more sophisticated terms about engaging the community in specific programs, helping the community identify problems, and then ultimately — and today it seems sort of the ultimate form of community policing — working through community organizations to empower the community to do things for themselves. So that brings you still higher up on the scale.

While that is now seen as sort of the ultimate achievement, and some people talk about when we get to that point of the police being co-producers of service, I think, on reflection, we have to conclude that in our society we have to go beyond that. Co-producers suggests that we're sort of sharing equally in the task. But I think that maintaining order in our society — or perhaps putting it in the more positive term of making it possible for us all to live together — requires primary dependence on all the social networks that keep us glued together, where there's not just a sense of community. It's relationships between parents and kids and teachers and students and merchants and customers — all the relationships that lubricate our daily lives. Seen in that way, the police sort of fade into the background. Given their limited resources, they ought to be the ones to just nurture and support those relationships and try at every opportunity to reinforce them so that the job gets done, and just deal with what they have to do, which is serving as a backup, rather than a co-producer of that level of order. That's got to be our ultimate goal, and that's what I see as the ultimate form of community policing.

**LEN:** A lot of police chiefs indicate that one of the hardest aspects of community policing that they've had to face is making partnerships with other agencies — getting the cooperation of the sanitation department or the human resources department or working in concert with mental health professionals. In some areas, the problem is fueled by interagency competition for authority and turf. What can police departments, or the chief executive of the city do to help the situation?

**GOLDSTEIN:** I'm seeing a great deal of progress along those lines, even though it is very uneven and somewhat spotty, in that in more progressive jurisdictions, while changes are occurring in police, there are also major changes occurring in city government. City government is going through much of the metamorphosis we're seeing in policing, in which they're thinking through how they provide services, where they set their priorities and how they use their resources. In doing that there's some interesting efforts to rethink the relationship between and among departments, and the view that is taken of the police function. In fact, in some jurisdictions, because the police have been, for pragmatic reasons, pressed to move more aggressively along these lines than others, I think the police are taking the lead.

In the few situations that I'm familiar with and in which I've done a little work, it's helpful for the other agencies if time is taken to explain to them the unique role that the police play, that the police get brought in for the emergencies and when things don't go well. The police, then, are essentially what I call the pathologists in the community. If they're thoughtful and analytical, they see where the problems are arising and an enlightened city government will look to the police to help identify the most critical issues so that it serves as a really solid basis for directing resources. If that's done in a thoughtful way, I think it can be very helpful and very productive. If, on the other hand, it's not thought through, then the police just come to be seen as pests who are demanding a disproportionate amount of time from other agencies, and the other agencies come to resent the fact that there's an implication that they're supposed to drop everything they're doing and respond to an agenda set by the police. That's just not going to work unless there's leadership on the part of the municipal executive to orchestrate this, and make clear to all the agencies what is expected of the police, and how police operations and needs are to be integrated with those of the other agencies.

**LEN:** Getting back to your earlier mention of the continuum of community policing, it would seem that if the ultimate, absolute ideal level were to be reached, where everything's fine....

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“We have been slow in reconciling what I refer to as the image of policing and reality. Much of the change that has occurred in the past, up to the 1950s and 1960s, was designed to reinforce the image, and as a result, it didn't have much of an impact on reality.”

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**GOLDSTEIN:** And which may never be achievable.

**LEN:** Agreed. But hypothetically, then, could it then be said that police would revert to the reactive stage that started this whole process?

**GOLDSTEIN:** I see your point. If everybody were doing their job — all of us — then the police would simply have more of a reactive role. But the reality is that there are always going to be pockets of concern, even in that ideal situation. So I never see the situation getting to the point, by any means, even in the most ideal world, in which there's nothing for the police to do of a proactive nature. To the contrary, I think they've got to be forever vigilant. For many generations they're simply not going to run out of things to do proactively. So I'm not going to worry about that ultimate day when everyone is doing their job so well that the police don't have anything to do.

**LEN:** You've spoken of working with policing in a larger context — painting in a larger framework, I believe you called it. Can you describe some of this work?

**GOLDSTEIN:** I have so much concern about how much we put all of our eggs in several baskets, and the possibility that because of the superficial efforts, those movements might well be discredited. For that reason, and for very practical reasons, I've tried to paint a larger picture of change that is occurring in policing that is not built so much around the labels we are currently using. To do that I sort of backed up and acknowledged that in the 43 or so years I've been working in this field, I'm very much aware that the pressures police are operating under today are probably greater than they have ever been. They've always had a heavy responsibility, and I always stand in awe of how much our society depends upon the police, and the importance of policing to the quality of life in our country. And yet, awesome as that responsibility is, we've always been in a catch-up sort of mode. The word “reform” in other areas sort of characterizes periods of change, but my experience is that reform is a permanent part of the language of policing. We're constantly in a state of reform because we're constantly trying to catch up. So it's understandable that these catch-up movements will be to advance and take on these sorts of labels. The bottom line is that if you think about the growing task and the fact that police are being looked upon to handle such a heavy load today, as some of our other social networks deteriorate and more and more shifts to the police, the police job, despite all the efforts that we've made, despite all the catch-up, seems to be increasingly an almost impossible sort of job. When you add to that the fact that the police are dependent so heavily on the criminal justice system, and that system is totally overwhelmed and often unavailable, and add the fact that all of our urban areas are under such enormous financial constraints, and the police are being expected to do more with less, the picture is not a very encouraging one. In fact, it can be a bit overwhelming.

As you look at that, at the same time you see very highly motivated police people at the top and at the bottom of our organizations trying to cope with that, saying we've got to do something to enable us to deal with this problem. Out of that are

coming a wide range of different departments doing different things in order to respond to that, and I find all of those innovations very exciting. I think it's important for us to focus on the specific innovations more so than it is to worry about the way in which they're labeled, because in my view the elements of the various programs, the various innovations and the need for them is going to remain, and they're going to be met regardless of what the current flavor of the month, as you put it, happens to be.

To expand on that a little bit more, this is a very personal view, but I think that much of the problem of policing has stemmed from the fact that we have been slow in reconciling what I refer to as the image of policing and reality. Much of the change that has occurred in the past, up to the 1950s and 1960s, was designed to reinforce the image, and as a result, it didn't have much of an impact on reality. The image, for example, was one of police having a narrow control function, controlling crime, being omnipotent — “we can handle it all, we don't need the community” — police having no discretion, leaning heavily on the criminal justice system, and organized as a military operation designed to engage in a war on crime. That was the image, and much of the reform was designed to reinforce that image.

I think that the reforms we're seeing now, however they're labeled — community policing, problem-oriented policing — are designed to break away from the image and to respond to the reality of policing: that police *do* exercise discretion, they *have* a broad function, they *cannot* depend upon the criminal justice system, and that they *have* to be proactive as well as reactive, that there's a lot of expertise in policing, and it's not all at the top of a police agency, and that we have to make use of the mass of the police officers out there, who have a major contribution to make in improving services. So what I'm trying to paint is a picture of change that is designed to deal with the reality of policing that has various components to it.

**LEN:** Could you give an example of one of these components?

**GOLDSTEIN:** As an illustration, I would describe an agency that's comfortable getting outside the mold of dealing just with crime. The agency is saying to its police officers, yes, we use the criminal law, but there's a wide range of other things that we can do, from helping to redesign facilities and working with landlords and using the civil law and being creative outside the criminal justice system. To the extent that those strategies are being utilized, they are a response to the reality that the criminal justice system by itself will not get the job done. So as you look at the mosaic of policing that exists in this country, you see departments that have made advances on some fronts — I don't know that there's any that have made advances on all of these different things. But taken together, the movement can be seen as a comprehensive, multidimensional agenda for change that, provided it is not stamped out, will serve us well for some years to come. My prediction is that it will be characterized in terms of its label in different ways, but taken all together, it's essentially just a new form of policing.

**LEN:** You know as well as we do that a number of criminologists are predicting a major crime wave in the near future, partly brought about by juveniles. Do you think that the country's police will be able to handle this if and when it hits?

**GOLDSTEIN:** I would rather that we raised the question of whether the country will be able to handle that problem because I think it's wrong for us to get into the trap of asking if the police can handle it. I think that has been the big problem. That is, to the extent that we have police leaders who say that the police can do the job, I think that's a self-inflicted wound because I don't think the police can do the job. A bigger question posed by that prediction is whether our society will be able to cope with that, and how will they cope with it, because I don't think it's within the capacity of the police to deal with that problem on their own. That, then, raises a much bigger and broader question, in that I feel very, very strongly that our political leadership at the local, state and national level has for the most part not been very enlightened. It has supported measures that are designed to have political appeal, but are not connected with our real needs. As long as our national agenda consists of things like building more prisons, criticizing Federal judges, adding 100,000 police officers, we've simply not connected with the kinds of more fundamental changes that are needed to deal ultimately with the problem of crime.

**LEN:** Are you optimistic about the future?

**GOLDSTEIN:** I'm pessimistic as to the effect that current political leadership will produce on these issues. I'm optimistic about the knowledge you find and awareness that exists within municipal policing as to what they could do if given the support for doing it. I've just been very impressed by the innovations, the



# Goldstein: More rigorous analysis needed

commitment that is present within police agencies and their demonstrated capacity to significantly improve the quality of police services. But however strong and however intensive their efforts are, it's limited, and the police, as I said, cannot do the job on their own. The bigger picture is that society, through all the subtle means it can resort to, has to reinforce those measures. It cannot throw the burden to the police, and it's unreasonable to expect the police to be unlimited in their capacity to pick up the pieces that rest of society isn't able to fulfill or to meet.

**LEN:** What do you think are the biggest obstacles coming? What does your crystal ball say in terms of what lies ahead?

**GOLDSTEIN:** One of the biggest obstacles is that enlightened, committed leaders will burn out and be replaced in police leadership positions by individuals who take a much more simplistic approach and satisfy political pressures, achieving short-term gains, but incurring long-term losses.

While I'm troubled by the bigger picture, I have enormous admiration and respect for what's happening in policing. I think that perhaps because they are closest to the problems that our society is experiencing, police have the capacity to contribute enormously to dealing with these problems that we are experiencing now and may yet experience in even more acute form.

**LEN:** What do you see as some of the lingering needs with respect to the implementation of problem-oriented policing?

**GOLDSTEIN:** In terms of how to strengthen the movement that's given rise to it, I would make several points. I think we have to clarify what we mean when we talk about problems. All of us have problems of various kinds. To get into the ballpark and talk about problem-oriented policing, one has to focus upon the substantive problems that police confront. A lot of the dilution that is taking place has been due to the fact that problem-solving is now a generic term in many fields, and so people use problem-solving to improve their attitudes, the way in which they feel about their job, their working conditions, etc. That draws attention away from the major thrust in problem-oriented policing, which was to try to redirect interest within policing away from just focusing on the organization and its personnel, and focus on the specific problems we confront in the community, what we're doing about those problems, and what careful analysis of them might produce in the way of new insights into how we deal with them in a more effective fashion. True problem-solving in the context of community policing focuses on the business of policing, and

not on the endless number of other problems that arise in police operations and in our lives.

Secondly in that regard, we've seen as a result of the movement a tremendous amount of creative problem-solving on the part of beat officers. If that is helpful, it's encouraging. Sometimes it's very satisfying for officers, and it has resulted in much greater effectiveness. But the original concept anticipated and hoped for a commitment to research and development at higher levels of an organization, which would look more systematically and rigorously at substantive pieces of police business and, after that analysis, provide the benefits to officers on the street. So while I admire the problem-solving efforts of the officers and expect that if they get into that state of mind, and as they become leaders of policing, they will carry that up into higher levels of the organization, I would hope at the same time that we had a greater investment in research at the top of the agency that would look at citywide problems, expanding just beyond the beat.

Two other observations with regard to problem-solving. One is that, understandably when a movement like this gets going, some of the initial efforts are rather amateurish, rather awkward, but nevertheless to be commended just as one would commend a baby taking its first steps. But once we get going, I would hope that we could see much more in the way of rigor in the analysis, that we don't jump to conclusions as to how to deal with the problem differently, but instead invest much more in thinking through very critically what we're doing and what might be done differently, getting much more comfortable with the collection and use of relevant data and its analysis.

Finally, we need a major investment in developing methods to evaluate problem-solving. Because it's sort of the last stage, it's put off and it often gets short shrift. It's very uncomfortable to advocate new approaches without having any solid, rigorously developed support to assure us that what we are doing in lieu of past responses is indeed more effective.

**LEN:** You may be familiar with the adage that no solution is without its own problems....

**GOLDSTEIN:** Well, one thing that's been on my mind just the past week or so is that the more advanced forms of problem-solving ask questions about the nature of the problem we're confronting and how better to respond to it. In doing that, I think we're beginning to focus on some very significant sorts of things. Let me give you an example. The police in the U.K. have done a lot of work with regard to repeat victimization. I don't attribute their effort to the problem-oriented stuff — they have come about it independently — but it's a parallel development in the sense that they have recognized on analyzing residential burglary that a high percentage of the victims are repeat victims. Therefore, what

do you do about the victims? You start to think, OK, what do we do in the way of responses? The responses often consist of individual efforts: getting the housing authority to do something, getting other agencies to make responses, and the police themselves making responses.

That kind of analysis leads ultimately to a renewed awareness that preventing crime requires up-front investments, and that we often must look to commercial enterprises to make those investments. It leads to the realization that currently, we essentially allow people to do business regardless of how criminogenic the way in which they choose to do business may be. So if we're truly going to be concerned about reducing the incidence of crime, and we want to invest up front in the form of situational crime prevention, where the responsibility for doing that has economic costs, we get smack in the middle of all the tough political and economic considerations relating to that. For example, to what extent should such information be used to pressure private enterprise to carry on business in ways that contribute less to the crime problem? In this era in which we are reacting so negatively to governmental regulation, it's not very popular to suggest that we impose all kinds of additional regulations on manufacturers, on merchants, on retailers, on landlords, on people who are doing business in various ways. But I think that's an issue that we're going to have to confront, because currently there are no constraints whatsoever, and people are free to do business regardless of how criminogenic their style of doing business may be. And that shifts the costs of the way they're doing business from the business person to the taxpayer. I find that to be a very intriguing and troubling area.

**LEN:** Which again raises the issue of pessimism....

**GOLDSTEIN:** Well, there are some aspects of problem-solving which are of greater concern to me as I've watched some of these efforts get trivialized. On the other hand, it is a source of enormous satisfaction for me to see the mass of officers who gather once a year for the problem-oriented policing conference, attending sessions focused on new approaches and critiquing those approaches. It represents an entirely different focus for the field. And to the degree that those people and others not in attendance write up and describe their problem-solving efforts, that reflects the fact that there is a great deal happening out there, and that there's a whole new component of thinking in policing.

**LEN:** So you think this quiet revolution is still in progress?

**GOLDSTEIN:** Oh, yes, very, very much so. And there are times when I realize that it's not so quiet!

## Calif. court says 3 strikes & you're... um... well, y'know

A drug addict and robber convicted under California's three-strikes law had 59 years cut from his sentence last month in what is being called the largest reduction of a sentence in San Diego County since the state Supreme Court granted judges more discretion in deciding such cases.

The case also marks the third time that the defendant, 29-year-old Rogelio Rodarte, has been sentenced in the same case, which began in 1994 when he robbed three people in a San Marco parking lot. Rodarte had four previous

armed robbery convictions dating back to one spree in 1984 for which he served time.

Under the state's three-strikes law, enacted in March 1994, a person with two convictions for serious or violent felonies must be sentenced to 25 years to life in prison for any third felony conviction. Two-time felons receive double the usual sentence.

Although some district attorneys contended that the law gave them sole discretion in deciding which prior felonies qualify as "strikes," a ruling last June by the California Supreme Court clarified the ruling, saying that trial judges have the power to disregard prior convictions if they feel it is in the interest of justice.

When a jury convicted Rodarte, Superior Court Judge Franklin Mitchell declined to sentence him to three consecutive 25-year sentences, but instead stacked them concurrently. When the district attorney's office appealed, an appellate court agreed that judges did not have such discretion and ordered Mitchell to impose an 80-year sentence.

Shortly after the state Supreme

Court's landmark ruling, Rodarte asked Mitchell to reconsider his case, which he did.

Acting under that new power, Mitchell sentenced Rodarte to 21 years in prison, refusing to impose the full term for the 1994 robberies, which would have meant three consecutive terms of 25 years to life, plus a five-year enhancement for committing a new felony within five years of being released from prison.

Noting that Rodarte's crime were a result of a methamphetamine habit, Mitchell wiped out all but one of Rodarte's previous convictions and sentenced him as if he only had two strikes against him.

Rodarte must now serve 17 years in prison before becoming eligible for parole.

While legal authorities have predicted a flood of three-strikes cases coming before the courts in light of the Supreme Court's decision, only a few have been returned to local courts for reconsideration. Sentences have been reduced in roughly 65 of the 100 cases returned.

## Court sides with Ohio HP on fitness standards

Continued from Page 1

ADA on physical fitness programs. The judges took issue with claims made by the troopers, "but we believe they're wrong," he said.

"The court dodged the issue," Cox told LEN. "I thought the court was somewhat fast and loose in its reasoning. That doesn't mean we would have won, but we believe the ruling is somewhat murky.... The case should have been returned to [U.S.] District Court on its own merits."

Jim Roberts, executive director of the Ohio State Troopers Association, charged that the disciplinary measures adopted by the patrol to enforce the standards are "very unfair, not equitable, and are not applied evenhandedly."

"It's discriminatory as far as we're concerned with the older, larger troopers. [The standards] have nothing to do with their ability to perform their duties.... We have older troopers who are in great shape, and who can effect an arrest with no problem whatsoever."

Gary Poynter, a now-retired Ohio

trooper who was disciplined under the fitness standard and who was an original plaintiff in the lawsuit, agreed.

"I still maintain that it's amazing how an overweight cop can come to work every day, maintain his health and weight, then when he turns 55, they force him out because of concerns he can't do his job," Poynter said. "Yet he is forced to maintain his physical readiness up to the day he retires."

Regardless of whether the appellate court agrees to rehear the case, Roberts predicted the issue will resurface when labor negotiations with the patrol begin in the coming months. "We'll try to get some fairness there," he told LEN. "Officers have been fined, suspended, deprived of overtime details and promotions, and have even been threatened with termination."

Cox, the FOP's counsel, said the ruling could have an impact on officers nationwide. "Officers go to seminars all over the country where they're told all you have to do is file a lawsuit, and the ADA will take care of it. That's just not proven to be the case."

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**Watson:**

## Learning to think outside the box

By Elizabeth Watson

When I was a captain of police in Houston, I took a written examination to be a deputy chief, and did well on it. So I knew I was going to be promoted to deputy chief. At the time in Houston, we had a program called NOP, which stood for Neighborhood-Oriented Policing. At least, it stood for that if you were in patrol. If you weren't in patrol, NOP stood for Not Our Problem.

I was promoted out of auto theft, and Chief Lee Brown told me that my job was to go to patrol and to implement this thing globally that we called Neighborhood-Oriented Policing. I got him off to the side and I said, "Exactly what do you want me to do? What does that mean?" And he said: "Well, see, that's why this is such a good job. You're going to figure it out."

So I pulled together a group of folks in patrol and we started sorting through what the implications of Neighborhood Oriented Policing really were. This community policing, what did it mean? We came up with all kinds of ideas. We talked about community meetings, about problem-solving, and about tactical teams. We went through the history; we visited other cities and we tried to learn from their mistakes.

One of the lessons that we learned — or thought we learned — was that we had to rely on middle management, particularly the lieutenants and the captains, because they would make us or break us. So we talked to the lieutenants and captains first, and we told them that we were going to give a whole new set of responsibilities to the patrolmen, and their job was simply to support that new effort. We thought that was enough. That sounds so stupid now, in hindsight, although it seemed like a good plan at the time.

The captains eventually came back and said, "You know, the dead rank in the department, it's not captain." A captain will be sure to tell you that captain is not a dead rank. It's the lieutenant rank, right? Of course, I've held every rank that there is in the department, and from my experience, there are two that I felt were just wonderful. One was lieutenant, and one was deputy chief. As a lieutenant, I had a captain over me, and a ser-

geant under me. And as deputy chief, I had an assistant chief over me and a captain under me. So, if I had a really big problem, I passed it up. If I had a really little problem, I passed it down. I was a happy camper.

So the captains said, "You know, we really need to do something with these lieutenants. Let's put them in charge of a geographic sector of the city, and let's really hold them accountable for doing a job." It sounded like a good plan, and we did it.

We told the lieutenants: "We're going to break this part of the city up into sectors, and you're going to be responsible 24 hours a day, seven days a week. Now go to it." And they said: "Uh-uh. What're you going to give us?" We thought, okay, this is community policing. We can negotiate this. "What do you want?" They decided they wanted take-home cars. We said, "Okay, done. You've got take-home cars." A few other little bennies, and off we went.

After two years of trying, I had to finally concede that it was a failure. It just didn't work. Now, in the two-year period that we had tried it, I was appointed chief of police. It really bothered me that this idea of the sector lieutenant never really took hold. Lots of people asked me why, and I couldn't answer the question.

When I became chief in Austin, I was pleased that we had already gone down a path of community policing. We had the community meetings, we had the problem-solving going on, and we had all kinds of tactical teams, and we had a good service orientation. One day, after I had been chief for just a little while, I had a group of captains come to me and say: "You know, lieutenant is a dead rank. What we need to have is sector lieutenants." And I said, "Been there, done that." And they said: "Excuse me, but this is Austin. You come from Houston? In Austin, we can make this work."

I knew it wouldn't work, but I thought: "What the hey. I'm at least going to monitor this process so that when it fails, I will be able to tell the rest of the policing world why it failed." So we went ahead, we did the sector lieutenants, and we said: "You know, you're in charge, 24 hours a day, 7

"We need to figure out how we can and should invest in the personal and professional development of every individual in our agencies, from the time they enter the door throughout their careers."

days a week. Here's your take-home car. God bless you." Then, just to monitor where the breakdown would occur, I met with the sector lieutenants every month for two hours. We'd go out for pizza and we would talk about the way things were going, what was happening, and so forth.

After 18 months, the sector lieutenant plan was an unqualified success. It is absolutely the flagship of community policing in Austin. Lieutenant is the power rank, no question about it. You can ask folks at the top of the organization, and you can ask them at the bottom. You ask the lieutenants. The lieutenants have a hold on what's happening in Austin.

So everything is fine, right? Wrong. It's not fine, because now I have captains who are unhappy. They have no job. And they come and tell me, "It used to be that captain meant something around here." Now they're angry and they display that anger in all kinds of creative ways. They say I don't appreciate them, and that I ought to observe the chain of command. Why do I spend so much time talking to these lieutenants? I've become a lieutenant groupie. I need to use those captains, and those captains, by God, will make things happen.

What does all that mean? It means that in our business we have done an extraordinarily good job of figuring out what needs to happen and who needs to do it. We have demonstrated that, with proper support and leadership and guidance, nothing is impossible.

The fact remains, however, that we are not structured in a way that builds the kind of initiative and enthusiasm and creative problem-solv-

ing that needs to occur if we're going to make a difference in our communities. What we do is force-feed it on a few select people. We might create a community policing bureau. We might create a power rank. We might do a whole range of things that are, in the final analysis, nothing but forcing a process into a structure that is not intended to support it, and that, over time, without careful nurturing and attention, will not succeed.

I would echo the comments of many colleagues that what we really need to do is undertake an organizational transformation. I took for granted that captains would be part of the management team. How can a captain not be? I've learned there are lots of reasons why. But the fact of the matter is that, in my organization, there is little discernible difference between a captain's rank and a lieutenant's rank. Because I asked the question. What is it that a captain does that a lieutenant cannot and should not do? And what is it that a captain does that a deputy chief of police cannot and should not do? The silence is deafening.

We haven't really defined roles and responsibilities that are commensurate with each rank in the organization, and then we bemoan our inability to hold folks accountable. But accountable for what? For a job that was never defined, never clearly explained, and for which people have never been formally prepared. It isn't a problem with our people. It is a problem of structure. We need to learn to think outside the box.

So where do we go? What we need to do is to figure out how we can and should invest in the personal and professional development of every individual in our agencies, from the time they enter the door throughout their careers. We need to teach them how to handle the tough problems. We need to coach them and to encourage them, and we need to finally establish alignment around core values and principles, so that we don't have well-meaning, well-intended individuals, each hearing his or her own drummer, and defining for themselves what their new job is. Too often, the job that they define for themselves is one of protecting the turf instead of enhancing the team.

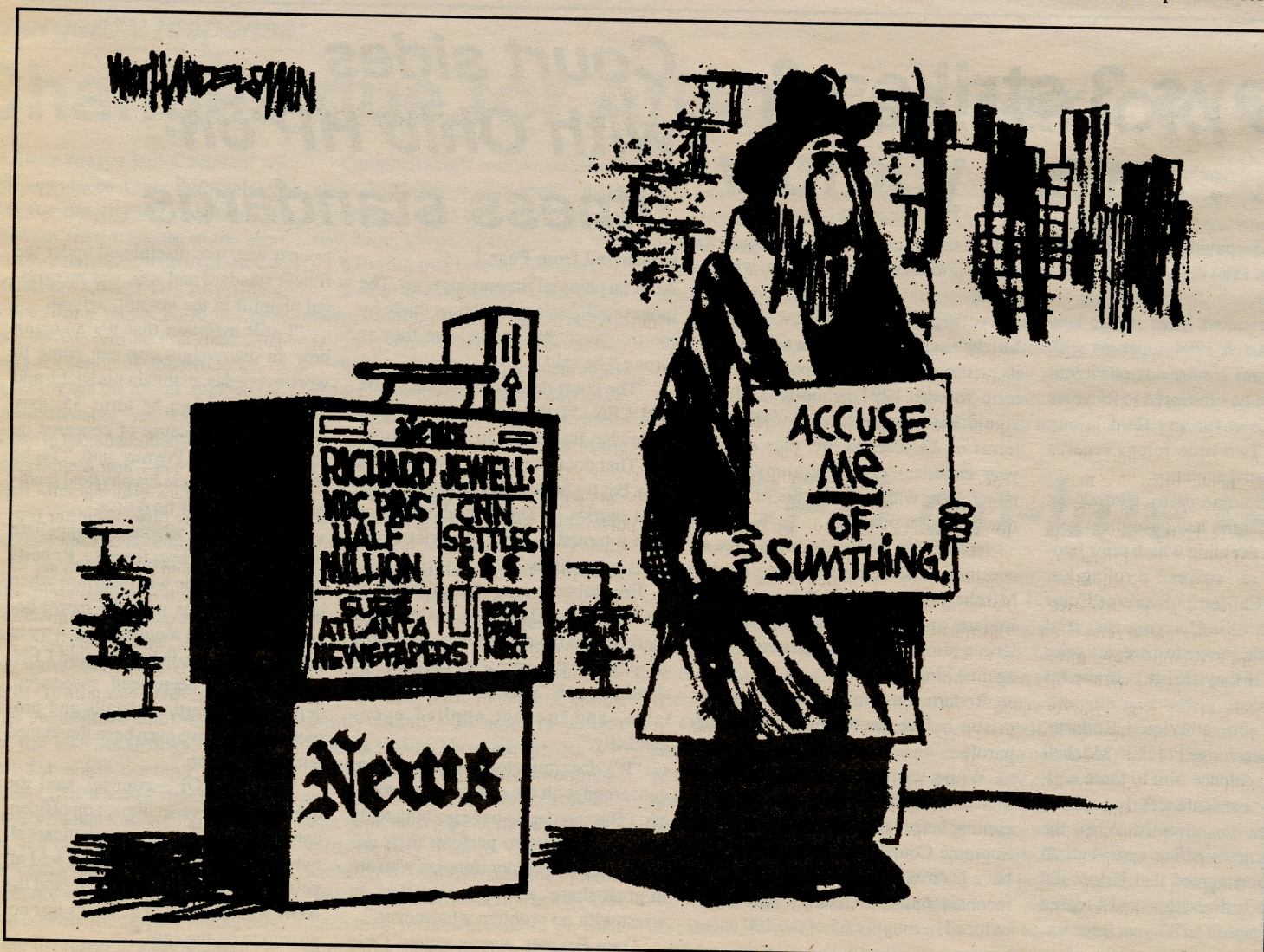
I hope that there are people out there who have figured out how to do this, how to take the individuals of the organization and encourage and support and teach them to be leaders in their own right. If there are those who have done that, I would like to meet you. I am more than happy to follow your lead.

(Elizabeth Watson recently resigned as Police Chief of Austin, Texas, to become a visiting fellow with the Office of Community Oriented Policing Services. This article is adapted from a talk she gave before the International Association of Chiefs of Police annual conference in October 1996.)

### Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.





# Criminal Justice Library

**Huffhines:**

## Hall monitor: Taking juvenile court's pulse

**No Matter How Loud I Shout:**

**A Year in the Life of Juvenile Court.**

**By Edward Humes.**

*New York: Simon & Schuster, 1996.*

399 pp., \$24.00 (hb).

**By Denise Huffhines**

Edward Humes, a former Pulitzer Prize-winning journalist, examines the Los Angeles Juvenile Court and the workings of the juvenile justice "system." Whether it's a judge, district attorney or a juvenile in "The Hall," each one has an opinion of the system and how it works — or doesn't. Regardless of what side of the law they are on, all agree that the system is failing and that it's spinning wildly out of control.

Humes follows several juveniles over the course of a year, detailing their trials, sentences and placements. He also shadows the judges, attorneys and probation officers involved in these cases. He reveals the personal side of the juveniles through the writings that they do in a writing class he voluntarily teaches at Los Angeles Central Juvenile Hall. Throughout the book, Humes illustrates how "the system" works exactly as it was designed, failing the very people it is supposed to help. He gives examples of how common sense is sometimes tossed out the window and how "the letter of the law" sometimes replaces its spirit.

¶ Elias, 17 years old at the time of his crime, participated in a robbery attempt in which a fellow gang member stabbed a man to death. Juvenile court failed to take him seriously prior to this incident despite his gang membership and record of previous offenses. Now that the system has taken him seriously,

the court states that it's too late and so he is sentenced to state prison.

¶ Vance got a bit luckier. Although he was sentenced to state prison for attempted murder, Vance was fortunate enough to be accepted by the California Youth Authority. Vance succeeds at the Ventura facility, where the staff label him as one with "potential." Like Elias, he, too, had been written off by juvenile court for his previous crimes.

¶ Sloan, age 17, avoided adult court for armed robbery only because his judge refused to find him fit to be tried as an adult. However, Sloan had no prior offenses and had never come into contact with "the system" before. Sloan was sentenced to one of the Probation Department's camps, where he graduated with honors.

¶ Duncan represents the madness and frustration of the whole system. Despite committing a horrible and brutal double murder, he is saved by his birthday from being tried as an adult. If he had committed his crime nine days later, he could have been tried in adult court. Instead, he was sentenced to the California Youth Authority where, at age 25, he will be released and his record will be sealed.

Humes does manage to find some success stories, and one of those is Andre. A major gang member with a lengthy criminal history, Andre turns his life around slowly after being ordered to work with handicapped chil-

dren. As part of a small and creative program, juvenile offenders spend several hours a day at a school for the handicapped where the children literally rely on the hard-core criminals to help them. A lot of Andre's success is due to his willpower to change, but the book also shines a spotlight on a program that deserves broad recognition.

Carla, the only female that Humes features, is another success story. She, too, was a hard-core gang member who was a participant in several drive-bys. A former honors student, she was lured by the gang lifestyle and soon rose to prominence in her set. Her strong will and intelligence are the characteristics that help Carla to stay clean. She has enough insight to know that her life changed because she chose to change it, not because she was punished or deterred. In the process, Humes provides a perception of juvenile court and its true function:

"It is not so much that Juvenile Court has the power to change kids like Carla, it doesn't really.... What the system can accomplish — and what transferring kids to adult court can't do — is to give Carla and others like her the time, opportunity and tools to consider other more constructive paths in life than gangs, crime and violence. As often as not, kids will choose not to be criminals if given another option — not because they are compelled to do so, but because it makes sense to them."

The adults in the system are just as tired and frustrated as the kids. Deputy District Attorney Beckstrand finally receives her transfer out of juvenile court and she can't be happier. After constant fighting with the judges and public defenders, she can take no more. The breaking point for her was prosecuting the Duncan case. Despite its

brutality and the fact that it was a double murder, Beckstrand is furious that the minor will not be tried as an adult.

After one year, the Public Defender's Office is now undergoing a major turnover. The seasoned attorneys have moved on and a new wave of attorneys unfamiliar with the juvenile court system take their place. They must learn the system from the beginning and are barely able to keep up with the caseloads — just like the District Attorney's Office.

Deputy Probation Officer Stegal wavers on whether or not she will stay on the job. Although she is assigned to an intensive supervision unit, her caseload still numbers about 50 kids. She talks of frustration and being overworked and of the phone calls informing her that one of her kids has been killed, but she has yet to quit.

The only two who are committed to staying are Sister Janet and Judge Dorn. Sister Janet will continue in her role as the chaplain at Central Juvenile Hall, being there for the kids when they need her. She is one of the few adults that children in the Hall trust and confide in, and she still fights for each and every one of them.

Judge Dorn keeps up his fight to save kids that pass through his courtroom. With his predictable admonition to kids that they are destined for "the cemetery or the penitentiary," he has vowed to make the system work. In the past year, he has fought with both the District Attorney's Office and the Public Defender's Office, created a virtual backlog and breakdown of the court system, invited families to bring their out-of-control kids to his courtroom, and taken his message to the community about saving kids and their futures. Humes touches briefly on plans by

Los Angeles District Attorney Gil Garcetti to reshape the juvenile justice system, as well as the legislation Garcetti's office is initiating to stop juvenile crime and punish juvenile offenders. Humes also mentions the "Sixteen Percent Study" done by the Los Angeles Probation Department. The report, Humes explains, was intended to create "a detailed profile of repeat offenders that will open a whole new direction for the Probation Department and the Juvenile Court, enabling it to target the kids in need of help before they commit serious offenses, thereby preventing juvenile crime, rather than merely reacting to it." Humes goes on to note that the same study shows the current juvenile court system "to be statistically irrelevant in stopping youth crime," even as the study provides "a road map for making the system work far beyond anything imagined before."

Unfortunately, this study seems to be sitting on a shelf somewhere with little current hope of being considered or implemented. There is no one with the political power to support it and enforce its recommendations.

Humes's year-long examination of the juvenile justice system only reaffirms what those involved in the system already know: The system is inefficient when it comes to handling today's juveniles, and is often misguided and illogical. Worse still, it is not doing what it was originally created for, namely helping children. This book is a wake-up call for all who are concerned about the future of our children and the justice system that was designed for them.

*(Denise Huffhines is a correctional deputy probation officer in San Diego, Calif.)*

**O'Hara:**

## Pulp non-fiction: Hoover & his criminals

**J. Edgar Hoover and His G-Men.**

**By William B. Breuer.**

*Westport, Conn.: Praeger Publishers, 1995.*

245 pp., illus., \$24.95.

**By Patrick O'Hara**

Television has "Cops" and "True Stories of the Highway Patrol." William Breuer has added to the genre in print with his "J. Edgar Hoover and His G-Men." Like a TV series director, Breuer gives us crime stories, sometimes several to a chapter. The transitions from story to story are often abrupt and the connections tenuous, leaving this reader wishing for a weekly hiatus between episodes to collect his thoughts before the next rousing story began.

Breuer covers the FBI's gang-busting era — the 1930s. All the familiar figures are present: John Dillinger, Ma Barker, Baby Face Nelson. Tommy guns blaze and cars careen out of control. Felons rat each other out, weave intricate alibis and, in one fascinating case, buy freedom by returning most of their bank robbery loot and somehow (the book doesn't specify) prov-

ing that the rest had been destroyed.

This book is awash in details — names, places, crimes — and digression. Take the chapter titled "Ma Barker and Her Boys." That the Barkers had to check in with Harry Sawyer, the shady owner of the Green Lantern Tavern, while on the lam in St. Paul, Minn., is enough to produce a veritable roster of the Green Lantern's denizens, their crimes, histories, relationships, initiation rites and arrests. In the midst of all of this, not surprisingly, the Barkers elude capture and, for the rest of the chapter, the attention of the author.

For the student of criminal justice, this book works best as history. Little that is prescriptive can be gleaned here. Law enforcement fortunately no longer suffers from levels of incompetence that permitted most of what this book describes: convicts shoot, scam and hack-saw their way out of prisons; bizarre

amnesties and "leaves of absences" quickly set sociopathic cop killers loose to kill again; tip-offs from corrupt law enforcement agents keep felons one step ahead of the law for years.

For the student of sociopathic behavior, Breuer's stories from 70 years ago resonate. I challenge any chronicler of today's alienated, violent and cold criminals to distinguish their subjects from Bonnie and Clyde or Baby Face Nelson. One is struck by how murderous they were, both quantitatively and qualitatively in the casual sport associated with many of their homicides. I was reminded of the movie "Natural Born Killers" and "cop-killer" rap music as I read of these Roaring 20's/Depression Era white gangsters who, for the most part, hailed from rural middle-America.

Despite the book's title, Hoover and his agents are, at best, secondary players in the narrative. The criminals are the focus. Early chapters unfold with nary a mention of the FBI, or conclude with grafted-on references to the FBI. The bureau comes into sharper focus in the latter half of the book, which covers the period of the 1930s after changes in Federal law strengthened

FBI jurisdiction over kidnapping and crimes against Federal agents.

Breuer's approach to the FBI and Hoover is wholly uncritical. Hoover is described as "a fearless man" who would walk alone down Washington streets despite a raft of death threats. Critics are characterized as "liberals" or as cowards who "did not dare to take him on when he was alive and could defend himself." Breuer is content to let stand Hoover's angry denials of 1930s allegations that the Director and the bureau harassed media critics, engaged in tactics that rode roughshod over civil liberties, and collected derogatory information on officials who criticized the bureau. One wonders, then, when the FBI did begin to do these things, all of which the bureau had refined to a high art by the 1950s. Breuer is not inclined to such speculation.

All in all, the strength or weakness (depending on your point of view) of this book is in the details. Whether rattling off thumbnail sketches of nine kidnappings in less than a page or providing obscure facts about notorious criminals, the details keep coming. You learn that Machine Gun Kelly was really a boozing pussycat whose domi-

neering wife, Kathryn, the progeny of an extended family with outstanding criminal credentials, christened him "Machine Gun," promoted his image, planned his crimes and, with belittling purple prose, shamed him into occasional criminal courage. You also learn that Clyde Barrow was homosexual, hard put to keep up with the "nymphomaniac" Bonnie Parker. She in turn served as Clyde's fashion consultant in concocting his female wardrobe, replete with wig, that transformed them into two women traveling together and helped them evade the law for a time.

Now, nymphomaniac and dominatrix crime partners — not to mention Breuer's tales of wide-eyed innocents hoodwinked and/or kidnapped by crafty male felons — certainly would raise feminist eyebrows, especially if this book purported to be an academic tome, which it does not. This book is "True Crime Stories," pure and simple. If that is what you are in the market for, and you yearn for the good old crime days of the 1930s, this is the book for you.

*(Patrick O'Hara is an associate professor of public management at John Jay College of Criminal Justice.)*



# Domestic-violence gun ban riles cops

Continued from Page 1

instate the exemption provided for law enforcement under the 1968 gun control act by providing an "official use" exception that would apply to on-duty police officers and the military.

Some critics, however, say that the exemption might be perceived as a special right. "We're not looking for special protections," said Buffalo, N.Y., Police Commissioner Gil Kerlikowske, the current president of the Police Executive Research Forum.

"I'm not sure I see a case for exempting law enforcement officers," added Lawrence Sherman, the chairman of the School of Criminal Justice at the University of Maryland who has conducted landmark research on police response to domestic violence. "Police, like anyone else, are at greater risk of committing homicide if they have a domestic violence conviction. If somebody has been convicted, even a long time ago, I think there's a serious question about whether we want a gun to be in that home."

Ms. Smith of the National Coalition Against Domestic Violence, which lobbied for the gun ban, said her organization opposes any effort to change the statute.

"It's not surprising to me that there has been resistance by law enforcement to this issue," she told LEN. "But we were clear when we supported the bill that it needed to affect everyone, that there wouldn't be any special classes or exemptions to this issue."

"We believe in this law; we believe it will actually prevent murders," Smith added.

Another proposal, introduced by Representative Bob Barr (R.-Ga.) and supported by the FOP, would have the ban apply only from its date of enactment. In effect, the change would address concerns that the law as it now written violates the Constitution's ban

"It's not surprising to me that there has been resistance by law enforcement to this issue, but we were clear when we supported the bill that it needed to affect everyone."

— Rita Smith of the National Coalition Against Domestic Violence

on ex post facto laws.

"The vast majority of all laws passed by Congress apply only to offenses committed after the new law goes into effect," Barr wrote recently in "Subject to Debate," a PERF publication. "The Lautenberg law should be considered no differently, especially since specific due-process provisions were written into the law, including the right to an attorney and the right to a jury trial."

Barr's proposal has been criticized by NAPO executive director Robert Scully, who said the effort "to fix the situation retroactively is too little, too late." Barr, Scully noted, "is responsible for deleting the 'official use' exception" from the Lautenberg bill before it was attached to the spending measure.

Hearings on the bills were to be convened by the House Subcommittee on Crime on Feb. 26.

Far from the halls of Congress, meanwhile, police agencies are left to grapple with application of the law, ever since the Bureau of Alcohol, Tobacco and Firearms sent out an advisory last fall informing them that they must comply with it. How the law will be enforced — and which Federal agency would be charged with the task — is still unclear, sources told LEN. "It's an enforcement nightmare," Pasco said.

Most police agencies are conducting massive, time-consuming reviews of personnel records to determine whether any officers are in violation of the law. But that may not be enough to identify all those officers who might be affected by the gun ban, said Sherman.

"As a matter of computerized

record-keeping, I think it will be difficult to [search for past convictions] retroactively with any degree of accuracy," Sherman noted, because conviction records currently do not include information about victim-offender relationships. "The implementation of the entire law rests on the ability to do these kinds of checks."

No one knows how many law enforcement officers might be adversely affected by the law, but anecdotal reports suggest that the number could be substantial.

Norwich, Conn., Police Chief Richard Abele said he was forced to relieve one officer of his gun and put him on desk duty. "My main objection is that it's not fair," said Abele, whose agency has 92 officers. "There's no longer any problem; he's not even married to the other party anymore."

Abele's quandary is being experienced by police chiefs nationwide, observed Kerlikowske. "There are domestic-violence cases involving police officers where the job or the firearm never figured in what occurred, where the incident was very, very minor. But all of these cases are being painted with one broad brush by the law, and I think that makes it a lot more difficult for police executives.... It's a no-win situation."

The New York City Police Department is said to be investigating at least 125 officers who may be affected by the law. The department does not currently hire applicants with misdemeanor domestic-violence convictions but any officers found to be covered by

the law's retroactive provision would be fired. "Why would you want to keep somebody on the payroll who can't function as a police officer for their career?" a high-ranking police official told The New York Daily News.

Some officers initially affected by the law later were reinstated after officials determined that they were not considered to have been convicted under the law. The statute does not apply to persons whose domestic-violence conviction was expunged or set aside, or who received a pardon or had their civil rights restored — unless the pardon, expungement or restoration of rights "expressly provides that the person may not ship, transport, possess or receive firearms."

Three of five Minneapolis officers who turned in their guns were reinstated after having pleas vacated or expunged, said Police Chief Robert Olson.

Officers affected by the law often are being transferred to administrative duties or other assignments that do not require them to carry firearms. A Denver police officer and a detective who fell under the law's provisions were served with a written order barring them from carrying firearms or ammunition "in any capacity, on or off duty, until further notice," said Lieut. John W. Lamb, who heads the Police Department's civil liability bureau. The two now are assigned to non-line duties, Lamb said.

The department is taking a "wait-and-see" attitude with the hope that the situation is resolved within the next few months, Lamb added. But unless

changes are made soon, he said, "we'll have to take action" against the two officers.

"We're not going to rush to separate these officers from the organization," said Lamb. "But the department has no unarmed positions, so if this law is not changed, it will be career-ending for those affected by it. If you can't carry a gun, you can't do your job."

The FOP is advising its members to consult its attorneys before they answer any questions directed by employers about domestic violence, said Pasco. "And we would urge chiefs to be as disciplined in their approach to this problem as they would in their approach to problems with criminal defendants, and show the same respect for law," he added.

Not all police executives are troubled by the gun ban, and most favor the statute's intent — to reduce the number of domestic homicides.

"I think it's a good law," said Austin, Texas, Police Chief Elizabeth Watson, who said a recent records check indicated that none of that city's 1,000 officers are yet affected by the statute. "I'm very supportive of sanctions regarding domestic violence. We need to take advantage of every opportunity to deliver a message, not only as police officers, but as a community, that we need to be intolerant of the activity."

## Speak your mind!

LEN welcomes commentaries from readers on topical criminal justice issues, for the newspaper's "Forum" section. Send contributions to the Editor, or call (212) 237-8442 for more information

## Danger zones:

# Study analyzes line-of-duty death risks

Continued from Page 1

The relatively high incidence of felonious killings among officers in state agencies surprised the researchers, said Pate, adding that solo patrols without the possibility of quick backup might be a contributing factor.

"I've had officers tell me that," he said. "But this is the first time I've actually seen any data to substantiate that. I've always thought that highest rate of killings and the most dangerous place to police probably would be in the big cities. But in fact, at the agency level...it might be more dangerous to be a highway patrol officer."

Pate said that finding came as no

surprise to officials of state agencies they spoke to. "They told us, 'We always knew we were the most dangerous,'" Pate said.

Added Fridell: "When I asked a group of municipal officers for the most dangerous [agency], they picked state, too."

The total number of police officers who were feloniously killed each year fell markedly between 1972 and 1986, "but has remained generally stable since then," the researchers noted in "Death on Patrol: Felonious Killings of Police Officers." "This could be to a number of factors, they said, including "the wider use of protective vests, im-

proved training, and higher levels of concern about the issue."

The researchers also analyzed incident-specific data in an analysis of the 713 officers feloniously killed between 1983 and 1992. Among their findings:

¶ Thirty-four percent of the slain officers were dispatched to the incident that resulted in their deaths. Another one-third "proactively initiated" the contact as a result of observations. Twenty percent of the officers were on assignment at the time of their deaths, serving warrants, questioning witnesses or conducting surveillance. In 6 percent of the incidents, police action was "unanticipated" and included situations in which officers "walked in" on crimes or had crimes, primarily robberies, "walk in" on them. In 8 percent of the incidents, officers were ambushed by assailants, who often "sought out a particular officer to kill," the report noted.

¶ In 40 percent of the incidents, officers were "killed at entry" — the point at which the officer and assailant are first interacting, usually occurring when the officer is first face-to-face with an assailant. In the remaining incidents, officers had some interaction with the suspect, either through pursuits or communication, prior to being attacked.

¶ Forty-seven percent of the offic-

ers were killed while investigating non-violent crimes other than burglaries or drug-related offenses. Another 24 percent were killed while intervening in domestic violence incidents, and 22 percent were intervening in robberies. Forty-two of the 81 incidents in which officers were killed during robberies involved situations where they found themselves inside commercial establishments when the crime occurred.

¶ Roughly half of the officers slain between 1983 and 1992 had assistance at the scene at the time of attack, while half were alone at the scene. Two of every three officers slain during that period had no backup in the immediate vicinity when the attacks occurred.

¶ About one-half of the officers slain were patrolling in one-officer vehicles, most of them dispatched to incidents that led to their deaths. "Relatively large proportions of these officers, compared to officers on other assignments, were disarmed (23 percent) and killed with their own weapons (19 percent)," the study noted. Officers in two-person cars were more likely to be dispatched, more likely to be killed indoors and more likely to be intervening in ongoing crimes.

¶ Detectives were more likely not to be identified by their assailants as

officers when attacked. About 80 percent faced a single opponent. Relatively few were disarmed by their assailants or shot with their own weapons.

¶ Special assignment officers — those working in jails, on special teams or assigned to execute arrest and search warrants — made up the highest percentage of officers who were unarmed at the time of death, at 9 percent.

¶ All of the slain undercover officers were armed and none were identifiable as law enforcement officers when attacked. None were disarmed and killed with their own weapons. Only 7 percent were wearing body armor, and 35 percent had no immediate assistance from other officers when attacked.

¶ One-fourth of the off-duty officers who were killed were identifiable as police officers, and many of them were commuting or working off-duty in uniform at the time of their deaths. One-third of the incidents occurred in situations where officers "walked in" on crimes, while another third occurred in situations initiated by officers.

¶ Based on use-of-force data from the Police Foundation, the researchers found that sheriffs' deputies who were not wearing body armor died of wounds to the upper torso at a 25-to-1 ratio compared to officers in other agencies.

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# Upcoming Events

## MARCH

**17-19. FitForce Coordinator Course.** Presented by FitForce. Chesapeake, Va. \$495.

**17-21. Police Motorcycle Rider.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$650.

**17-21. Leading Law Enforcement into the 21st Century.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**17-21. DWI Instructor.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**17-21. Homicide Investigations.** Presented by the Metro-Dade Police Department. Miami Beach, Fla. \$595.

**17-21. Report Writing for Instructors.** Presented by Bruce T. Olson, Ph.D. Santa Monica, Calif.

**17-28. Advanced Traffic Accident Investigation.** Presented by the Institute of Police Technology & Management. Tampa, Fla. \$695.

**18-19. Investigative Techniques.** Presented by Hutchinson Law Enforcement Training. Saratoga Springs, N.Y..

**19-22. 10th National Youth Crime Prevention Conference.** Presented by the National Crime Prevention Council and Youth Crime Watch of America. Miami, Fla. \$145.

**20-21. Breakthrough Strategies to Teach & Counsel Troubled Youth.** Presented by Youth Change. Seattle. \$125.

**21. Court Testimony - Prosecution & Defense Strategies in Child Abuse Cases.** Presented by the Institute of Child Advocacy. Miami, Fla. \$95.

**24-25. IA Trak2/PC-based Internal Af-**

**fairs Records Management.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$395.

**24-26. FitForce Coordinator Course.** Presented by FitForce. Hammond, La. \$495.

**24-26. Advanced Executive Protection.** Presented by the Executive Protection Institute. Stone Mountain, Ga.

**24-28. Practical Police Defensive Driving.** Presented by the Criminal Justice Institute. Grayslake, Ill. \$90.

**24-28. Crime Scene Processing.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525.

**24-28. Implementing & Managing Community Oriented Policing.** Presented by the Institute of Police Technology & Management. Fort Lauderdale, Fla. \$495

**25-27. Street Survival 97.** Presented by Calibre Press. Council Bluffs, Iowa. \$189/\$165/\$115.

**27-28. Tracing Illegal Proceeds.** Presented

by the Investigation Training Institute. Seattle. \$395.

**27-28. Investigating Physical Child Abuse & Investigating Allegations of Child Abuse.** Presented by the Institute of Child Advocacy. Jacksonville, Fla. \$190.

**31-April 4. Narcotic Identification & Investigation.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**31-April 4. Seminar for the Field Train-**

**ing Officer.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**31-April 11. At-Scene Traffic Accident/Traffic Homicide Investigation.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$595.

**31-April 11. Advanced Traffic Accident Investigation.** Presented by the Institute of Police Technology & Management. Tallahassee, Fla. \$695.

## For further information:

Addresses & phone/fax numbers for organizations listed in calendar of events.

**Calibre Press,** 666 Dundee Rd., Suite 1607, Northbrook, IL 60062-2727. (800) 323-0037.

**Criminal Justice Institute,** College of Lake County, 19351 W. Washington St., Grayslake, IL 60030-1198. (847) 223-6601, ext. 2937. Fax: (847) 548-3384.

**Executive Protection Institute,** Arcadia Manor, Rte. 2, Box 3645, Berryville, VA 22611. (540) 955-1128.

**FitForce,** 1607 N. Market St., P.O. Box 5076, Champaign, IL 61825-5076. (217) 351-5076. Fax: (217) 351-2674.

**Hutchinson Law Enforcement Training, LLC,** P.O. Box 822, Granby, CT 06035. (860) 653-0788. E-mail: dhutch@snet.net. Internet: <http://www.patriotweb.com/hlet>.

**Institute of Child Advocacy,** Attn.: Pete Musante, P.O. Box 8068, Clearwater, FL 34618-8068. (813) 726-1123. Fax: (813) 321-5664.

**Institute of Police Technology & Management,** University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216. (904) 646-2722.

**Metro-Dade Police Department,** Training Bureau, 9601 NW 58th St., Building 100, Miami, FL 33178-1619. (305) 715-5022.

**National Crime Prevention Council,** Attn: Youth Conference, 1700 K St., N.W., 2nd Floor, Washington, DC 20006-3817. (202) 466-6272, ext. 152. Fax: (202) 296-1356.

**Bruce T. Olson, Ph.D.,** P.O. Box 1690, Modesto, CA 95353-1690. (209) 527-0966. Fax: (209) 527-2287.

**Youth Change,** 275 N. 3rd St., Woodburn, OR 97071. 1-800-545-5736. Internet: [www.youthchg.com](http://www.youthchg.com).

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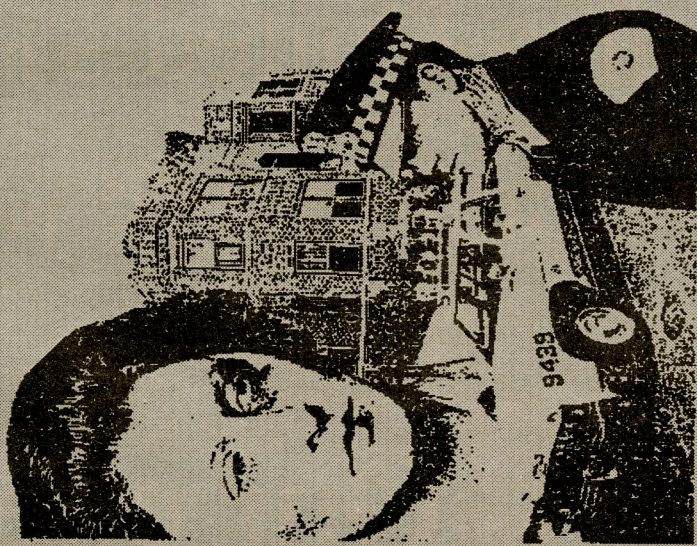


# Law Enforcement News

Vol. XXIII, No. 461

A publication of John Jay College of Criminal Justice/CUNY

February 14, 1997



## If you put up your dukes, prepare to lay down your arms

Law enforcement goes ballistic over a Federal law that bars anyone convicted of domestic violence — cops included — from possessing a gun. **Page 1.**

## A fortune in Gold(stein):

Reap the benefits of four decades of cutting-edge police thinking — all in a candid, wide-ranging interview with the father of problem-oriented policing, Herman Goldstein. **Page 8.**

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Law Enforcement News  
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### What They Are Saying:

**"The department has no unarmed positions, so if this law is not changed, it will be career-ending for those affected by it. If you can't carry a gun, you can't do your job."**

— Lieut. John W. Lamb, head of the Denver Police Department's Civil Liability Bureau, assessing the impact on his agency of the 1996 Domestic Violence Offender Gun Ban. (Story, Page 1.)